

KEENAN COHEN & MERRICK P.C.

A TRANSPORTATION LAW PRACTICE

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2019 MAR 29 PM 3:44
PA PUC
SECRETARY'S BUREAU

March 29, 2019

Secretary, PA Public Utility Commission
400 North Street, 2nd Floor
Harrisburg, Pennsylvania 17120

A-2019-3008874

Re: Legacy Navigator, LLC – Application for Motor Common Carrier or Motor Contract Carrier of Household Goods in Use

Secretary, PA Public Utility Commission:

Enclosed please find an Application for Motor Common Carrier or Motor Contract Carrier of Household Goods in Use to be filed on behalf of Legacy Navigator, LLC. If there are any issues with the application, please contact the undersigned.

Thank you.

Very truly yours,

KEENAN, COHEN & MERRICK, PC

By: s/ Christopher J. Merrick
Christopher J. Merrick

kl/CJM
Enclosure

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400 North Street, Second Floor
Harrisburg, PA 17120
(717) 772-7777
www.puc.pa.gov

2019 MAR 29 PM 3:44

PA PUC
SECRETARY'S BUREAU

A-2019-3008874

Application for Motor Common Carrier or Motor Contract Carrier of Household Goods in Use.

THIS APPLICATION IS REQUIRED TO REQUEST A CERTIFICATE OF PUBLIC CONVENIENCE (FOR COMMON CARRIERS) OR PERMIT (FOR CONTRACT CARRIERS) TO OPERATE AS A COMMERCIAL CARRIER OF HOUSEHOLD GOODS IN USE.

1. **Legal Name of Applicant** (Individual, Partnership or Corporation)

Legacy Navigator, LLC

- If you are an individual who has not formed any type of corporate entity, you should enter your name *as it will appear on your insurance documents*.
- If you are filing for a partnership, but *not a limited liability partnership*, the names of all partners must be entered on this line. Those names should be entered *as they will appear on your insurance documents*. This includes husbands and wives filing jointly.
- If you are filing for a corporate entity (corporation, limited liability company, or limited liability partnership), *even if you are the sole shareholder member*, you must enter the name exactly as it appears on the registration papers from the Corporation Bureau of the Pennsylvania Department of State.

2. **Trade Name** (Attach a copy of fictitious name registration if applicable)

This is any name which you will be operating under which differs from the **LEGAL NAME OF APPLICANT**. A **TRADE NAME** is considered a **FICTITIOUS NAME** if the identity of the applicant cannot be readily determined. *EXAMPLE: John Doe is the applicant and wants to use the name "Johnboy Trucking" as his trade name. People cannot readily determine that John Doe is the actual operator; therefore, the name is fictitious and must be registered as such. Trade names such as "John Doe Trucking" or "J. Doe Trucking" are not considered fictitious and would not have to be registered.*

3. **Do you currently hold PUC Authority?** NO **Previous Authority?** YES NO

If YES, at PUC No. A- N/A

4. **Are you a business entity registered with the PA Dept. of State?** YES

If NO, you must register (see checklist on how to register)

If YES, provide your PA Corporation Bureau Entity ID Number 6732531

(See checklist and indicate type of business entity registered)

5. **If either a corporation or limited liability company please list members (LLC) or shareholders and officers (corporation).**

SEE ATTACHED – EXHIBIT A

6. **Physical Address** (do not use PO Box)

2107 Loumour Avenue
Street Address

Richmond, Virginia 23230
City, State and Zip Code

800-913-7747
Telephone Number

City of Richmond
County

The address entered here should be the actual location of the business. This is the address the Commission needs in order to dispatch Enforcement Officers to inspect equipment.

7. **Mailing Address** (if different from Physical Address)

Same as above
Street Address

Same as above
City, State and Zip Code

This is the address to which the Commission will send all official documents issued by the Commission. If left blank, it will be assumed that the MAILING ADDRESS is the same as the PHYSICAL ADDRESS.

8. **Attorney** (if applicable)

Chris Merrick 215-609-1110
Attorney's Name & Telephone Number for this Filing

125 Coulter Avenue, Suite 1000, Ardmore, PA 19003
Attorney's Address

An attorney's name should only be entered if an attorney is filing the application for a client and the application is being sent under the attorney's cover letter.

9. **Does applicant have a USDOT Number?**

 No X Yes, at No. 3127471

10. **Describe the service area proposed by this application.**

(Use the space below or attach additional sheet if space provided is not sufficient).

While we will initially be focused on providing services in the Philadelphia metro area; however, we intend to expand to provide state-wide transport of household goods in use between all points in Pennsylvania in 2019.

11. Certification:

Applicant certifies that it is not now engaged in unauthorized intrastate transportation for compensation between points in Pennsylvania and will not engage in said transportation unless and until authorization is received from the Pennsylvania Public Utility Commission.

Applicant further certifies that it understands the requirements of the Pennsylvania Public Utility Commission, especially as they relate to safety and insurance and that it may be subject to civil penalties, suspension or cancellation of the Certificate for failure to comply with Commission requirements.

Applicant further certifies that it understands that it is subject to an annual assessment based upon its reported gross Pennsylvania intrastate revenues; said assessment to help defray expenses incurred in regulating Motor Common Carriers of Household Goods in Use; and acknowledges that failure to report revenue and pay its annual assessment may result in civil penalties, suspension or cancellation of the certificate.

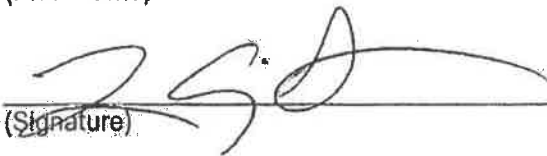
Verification of Application

I/We hereby state that the statement(s) made in this application is/are true and correct to the best of my/our knowledge and belief.

The undersigned understands that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

L. Craig Shealy
(Print Name)

(Signature)



3/26/19

(Date)

The verification of the application must be completed by the applicant appearing on Line 1 of the application by the named individual, all partners if a partnership, a member (if a limited liability company), or by the President or Secretary (if a corporation).

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

VERIFIED STATEMENT OF APPLICANT

THE FOLLOWING INFORMATION IS REQUIRED BY THE COMMISSION TO DETERMINE THE APPLICANT'S FITNESS TO OPERATE. STATEMENTS SHOULD BE TYPED OR PRINTED. ILLEGIBLE STATEMENTS WILL DELAY YOUR APPLICATION.

Legacy Navigator, LLC

Legal Name of Applicant

Trade Name, if any

2107 Loumour Avenue

Richmond

VA 23230

Street Address (principal place of business)

City or Municipality

State

Zip Code

The Verified Statement of the Applicant factual details about your proposed transportation service. Your Verified Statement must answer all of the items listed below and on the following pages. Provide as much information as possible to prevent delay in processing your application. If you need more space to provide your answer, please attach additional pages identifying the appropriate item number.

1. Identify the person making the Verified Statement on behalf of the applicant. If an employee/officer of applicant is making the statement, give name, title, business address and telephone number.

L. Craig Shealy, CEO, 2107 Loumour Ave, Richmond VA, 23230, (804) 832-1367

2. List the applicant's affiliation (owner, manager, controls) with any other carrier, with the description of affiliation.

N/A

3. Please provide evidence of minimum of two-years' experience with a licensed household goods carrier as required by 52 Pa. Code §3.381(c)(1)(iii)(A)(II)(-I-).

Legacy Navigator currently holds a license to operate as a mover of household goods in the Commonwealth of Virginia, and North Carolina. The company is also a licensed interstate carrier of property and household goods and therefore is in compliance with FMCSA regulations.

The Company has a strong management team with extensive experience in the moving field. Donnie Harper, General Manager of Operations, previously served as President of Door to Door Solutions (which has operated as a licensed Virginia mover for nearly 15 years), where he oversaw nearly twenty movers who operated throughout the state. Siamak Masoudi currently serves as the Company's Vice President of Transportation, where he oversees moving and transportation compliance and logistics. Mr. Masoudi previously served as the President of TAD Transportation, a Maryland moving company that operated as a licensed interstate carrier of household goods. Joe Sanderson currently serves as the Compliance Manager for Legacy Navigator, where he has served for over two years. During that time Mr. Sanderson has had oversight of the Company's moving and transportation compliance processes, focusing on Hours of Service logs for drivers, vehicle maintenance, regulatory and tariff compliance, and maintenance of mover documentation.

Mr. Masoudi, Mr. Harper, and Mr. Sanderson have extensive knowledge of compliance with company tariffs to ensure all moves complied with applicable rate schedules and services requirements. They also have shared management oversight responsibility for

- Training on completion of moving documents, including bills of lading, inventory lists, orders, and estimate forms
- Training on safe lifting, handling, and packing techniques
- Compliance on work hour records – both physical log books and electronic logging systems

- Respond to and investigate customer claims; document all required information, and process all necessary reports and paperwork
 - Provide oversight and training over warehouse and mover safety compliance, including:
 - o Training of Safe driving behaviors; Proper lifting, carrying, loading, and packing techniques; and OSHA safety requirements
 - o Investigate unsafe driving complaints
 - Manage household goods moving documents and ensure compliance with state and federal regulations
 - o Assist in drafting and maintaining PA intrastate tariff, and ensure all estimates, billing and moving practices are consistent with the Tariff
 - o Ensure proper forms are completed for each move
 - Prepare & submit all reports in accordance with DOT and contractual requirements
 - Manage scheduling appointment freight, tracing, customer problem resolution, etc.
 - Support both Operations and Sales efforts within the service center as well as across service center lines.
 - Control service center costs to keep them within plan, including risk minimization for the company in all areas such as claims and safety.
 - Oversee and maintain safe, efficient warehouse operations
 - Participate in regular monthly Business Development meeting with Sales and Operations and other appropriate supervisory staff members to identify problems and / or progress with regard to achieving service center goals.
4. Describe your facilities, record maintenance plan and your communication network. Please include a description of your physical location, to including office machines that will be utilized, and the facility to house vehicles. As a carrier of household goods in use, applicant should include a description of storage facilities; if applicable. Please include an explanation of your plan to maintain records required by the PUC, as well as normal business records. In regard to your communication network, please explain how you will receive customer requests for transportation, how you will dispatch the vehicles to fulfill the request, and how you will maintain continuous communication with your drivers.

Legacy Navigator's headquarters and primary operations facility is located at 2107 Loumour Avenue, Richmond, VA, which includes offices and a warehouse storage facility (11,000 Square Feet). Legacy Navigator is currently licensed as an interstate operator and mover of household goods with the Federal Department of Transportation and the Federal Motor Carrier Safety Administration, and maintains records of all service agreements, bills of lading, employee records, inspection records, and other related moving and transportation documents in a secure location at our office headquarters.

We have also leased warehouse space at 843-845 Sussex Boulevard in Broomall, Pennsylvania 19008, in anticipation of providing intrastate services, pending approval of this license by the Commission. The facility is approximately 6,000 square feet, and provides warehouse and office space and room for several moving trucks, and will serve as the initial base of operations in Pennsylvania. All of our orders and moves are currently coordinated and dispatched from our main office in Richmond, Virginia; however, we anticipate we will be managing local moves from our offices in Broomall by mid-year 2019, with a dedicated intake and dispatch coordinator. All drivers are provided with phone numbers and have phones for continuous contact with our offices and managers.

As described in the previous response, the Company also maintains an experienced bench of moving logistics and compliance managers who oversee a dedicated staff. We have also hired a manager of all moving services for Pennsylvania, who has extensive experience as a manager of moving and compliance operations in the Pennsylvania and as detailed in Question 3, above. As part of that program, we maintain an annual inspection schedule for all commercial vehicles. Our drivers are also trained to conduct daily safety inspections to ensure each vehicle is in proper working condition, and that it contains appropriate safety equipment on board.

As further described below, we maintain an HR and Compliance team that manages driver records and all related operator qualification files. They also manage vehicle and maintenance records at our main office, as well as copies for local vehicles at the designate service hub. All documents are maintained in a secure location.

5. Please state the number of drivers you intend to use or hire in your business and explain why that number of drivers is appropriate for the size of the territory you will be serving. In addition, please explain:
- Your hiring standards for drivers;
 - Your system for conducting criminal background checks;
 - Your driver training program;
 - Your system for conducting driver license checks;
 - Your policies regarding alcohol and drug use by your drivers.

While we currently employ a number of interstate drivers company-wide, we intend to have 4 drivers dedicated to our Pennsylvania market at the outset, and to expand that number over the next year to meet growing service needs. All of our drivers are subject to a thorough background check and drug/alcohol testing at hire, all of which is managed and reviewed through Human Resources employees dedicated to talent acquisition. As part of that vetting process, we ensure our drivers have a valid medical card and a good driving history. All employees are subject to in-person interviews at our main office, which are conducted through our Human Resources department, as well as background checks through a third-party, Screening One. For any individuals who will be approved to operate commercial vehicles, we directly verify all employment/driving records of the applicants' prior employers where they operated as a commercial vehicle operator during the previous 3 years and ensure a thorough review of MVRs (which is updated annually). We also conduct an annual recheck of all driver motor vehicle records.

All drivers are subjected to multi-day orientation period at the onset of their hire, which covers topics such as OSHA safety, policy training, and best practices. We have also provided classes through a third-party vendor, Advanced Driver Services, to train/retrain our drivers who operate commercial vehicles, and also provide regular refreshers through our internal Manager of Compliance. All drivers are required to pass an in-person driver exam, which includes a field test on a Company vehicle. Our drivers also receive training on, and are subjected to regular audits for use of, electronic drivers logs.

We conduct regularly scheduled training days to review safety procedures with all employees, including drivers, who operate in the field are involved with moving or transportation of household goods. These meetings include OSHA training, discussion of best practices, and review of applicable highway safety regulations and procedures, and safe practices when moving.

The Company nevertheless maintains a strict policy against drug or alcohol use by its employees and drivers. Although Legacy Navigator does not operate any vehicles that require drivers to possess a CDL to operate, our employees are subject to drug testing upon hire, and subsequent alcohol and drug testing based random pools, reasonable suspicion behaviors, and post-accident. A copy of the Company's Drug and Alcohol Policy is attached as Exhibit B.

6. Please state the number of vehicles you plan to use in your business and why that number is appropriate to provide reasonable and efficient service to the territory you will be serving. If you have already obtained vehicles for your business, please list them in the chart below.

At the outset, we plan to use two to three moving trucks (up to 26 feet in length) to handle our intrastate moves in Pennsylvania, along with one transport van or like vehicle to provide support for projects. The anticipated vehicles are listed in the chart below. In addition, we also have additional vehicles and trucks currently available in other states which can be used for interstate moves as the needs arise.

YEAR	MAKE	MODEL	SEATING CAPACITY*	VEHICLE ID #	MILEAGE
2014	Isuzu	NPR/NPR-HD	3	107	46,470
2014	Isuzu	NPR/NPR-HD	3	108	45,429
2011	Mercedes-Benz	Sprinter	5	Sprinter	54,986
2016	Dodge	Ram Promaster	2	Premaster	20,796

2015	Ford	Transit 250	2	Tran250	19,364
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7. Describe your vehicle safety program. Please include the following in your explanation:
- Your periodic vehicle maintenance plan
 - Your system for ensuring your vehicles will continuously comply with applicable Pennsylvania vehicle equipment standards (67 Pa. Code, Chapter 175).

Our vehicles are serviced annually as required by regulation, and subjected to regular inspections through our third-party mechanics/vendor, Orange Grove. Our vehicle maintenance records are tracked by a national fleet management company called LeasePlan. All vehicle operators are required to conduct daily inspections of vehicles, and any damage or issues must be reported immediately through a daily vehicle inspection report, and will addressed/corrected.

All vehicles designated by the Company for moves within the state of Pennsylvania will be assigned to an annual inspection schedule to ensure up-to-date certifications with the commonwealth. The inspection schedule will be maintained by our Moving Manager for the Commonwealth of Pennsylvania.

The Company also has a compliance department, which is managed by inhouse counsel, which oversees and regularly audits safety and compliance practices.

8. Please explain what steps you have taken to determine if you can obtain insurance and pay the required insurance premiums.

Legacy Navigator, LLC currently maintains appropriate levels of insurance relating to all aspects of operations, including the transportation of household goods, as is required by the FMCSA, as well as other states where the Company operates as a licensed transporter of household goods.

9. State whether the applicant has been convicted of a misdemeanor or felony. If applicant is partnership, limited liability partnership, corporation, or limited liability company this question applies to all members, officers, and/or shareholders. If "YES", explain.

YES NO

10. Financial Data. Complete the "Statement of Financial Position", which follows this page. Please feel free to also provide additional information explaining why you believe you have sufficient funds to ensure your transportation business can provide reliable service to the public in a safe manner.

Verification of Statement

The undersigned deposes and says that he/she is authorized to and does make this verification and that the facts set forth therein are true and correct to the best of his/her knowledge, information, and belief. The undersigned

understands that false statements herein are made subject to penalties of 18 Pa. C. S. Section 4904 relating to unsworn falsification to authorities.

(Signature)



3/26/19

(Date)

L. Craig Shealy, CEO
(Name and Title, printed or typed)

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Statement of Financial Position (Balance Sheet)
As of February 29, 2019

ASSETS

Current Assets		
Cash	2,079,523	
Other Current Assets (specify)	445,452	
Total Current Assets		2,524,976
Tangible Assets		
Motor Vehicle Equipment	340,929	
Property (buildings, land, etc.)	368,426	
Intangible Assets	778,000	
Office Equipment	20,509	
TOTAL ASSETS		4,032,840

LIABILITIES

Current Liabilities (Due within one year of date)		
Loans	-	
Credit cards/revolving credit	70,846	
Other Liabilities (See attached schedule)	219,318	
Total Current Liabilities		290,164
Long Term Liabilities (Due after one year of date)		
Mortgage	-	
Long term commercial loan	420,643	
Other Liabilities (Attach Schedule)	2,602,736	
Total Long Term Liabilities		3,023,379
TOTAL LIABILITIES		3,313,542

Revised 7/17/17

Schedules of Assets and Liabilities

Other Current Assets

Accounts Rec	339,260
Supplies Inventory	30,796
Security Deposits	19,994
Accrued Revenue	21,755
Prepaid Expense	23,011
Other Current Assets	10,637
Total Other Current Assets	445,452

Other Current Liabilities

Accounts Payable	39,347
Accrued Payroll Payable	110,136
Unearned Customer Deposits	54,661
Other Current Liabilities	15,173
Total Other Current Liabilities	219,318

Other Long-Term Liabilities

Notes due to sellers of acquired operations	470,000
Notes payable due to member	1,500,000
Operating Lease Liability	368,426
Other Long-Term Liabilities	264,310
Total Other Long-Term Liabilities	2,602,736

Exhibit A – Member List

Member Name	Title
L. Craig Shealy	CEO
Pete Shrock	Chief People Officer
Sam Burch	General Counsel and Corporate Secretary
Donnie Harper	Managing Director of Operations
Siamak Masoudi	Vice President of Transportation
Joel Danick	President Mid-Atlantic
Susan Danick	Senior Vice President Mid-Atlantic
Katie Hamann	Vice President of Community Relations
Bryan Bogese	Strategic Operations Advisor

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Exhibit B – Policy on Drugs and Alcohol

Legacy Navigator, LLC, and its subsidiaries (the Company) are committed to providing their employees with a safe workplace. The misuse of drugs, both legal and illegal, while on Company premises or business interferes with a safe, healthy and productive work environment and therefore is prohibited.

I. General Policy on Drugs and Alcohol

As a condition of employment, all employees must report to work in a condition ready to perform their assigned duties. The Company prohibits the misuse of drugs, both legal and illegal, while on Company premises or while conducting Company business. Specifically, the Company prohibits the use, possession, distribution, or sale of illegal drugs (including controlled substances not used according to a medical prescription) on its premises, in its vehicles, or while conducting Company business. Additionally, any employee who is under the influence of alcohol and engages in inappropriate conduct while conducting Company business may be subject to disciplinary action as set forth in this policy.

Alcohol may not be served or consumed on Company property without advance approval from an officer of the Company. However, even then, employees should drink responsibly and must avoid excessive consumption that could impair judgment or driving, or create an appearance of impropriety. Additionally, advanced approval by a Company officer is required before serving alcohol at any Company-sponsored event.

The Company also prohibits the use or consumption of alcohol in Company vehicles. No employee may operate a Company vehicle while under the influence of alcohol or other drugs that impair his or her ability to drive.

Any employee who violates this policy will be subject to disciplinary action, up to and including termination of employment. A verified positive drug test or a confirmed positive alcohol test (0.02 or higher) is considered proof that the employee is under the influence of drugs or alcohol for purposes of this policy. Other evidence or behaviors associated with the misuse of drugs or alcohol also may cause the Company to conclude that an employee is under the influence of drugs or alcohol in violation of this policy.

Substances covered by this policy include but are not limited to alcohol, marijuana, cocaine, opiates, amphetamines, phencyclidine, or any drugs or controlled substances that are not prescribed by a licensed medical doctor, as well as prescription drugs used in a manner inconsistent with recognized medical practices. The use of prescription medication by someone other than the individual for whom it was prescribed is prohibited by federal law and is considered illegal use and subject to disciplinary action under this policy.

Employees taking a drug or other medication, whether or not prescribed by a physician, which could impair judgment, coordination, or other senses important to the safe and productive performance of work, must notify their immediate supervisor prior to starting work. Supervisory personnel will determine whether those employees can work and will impose any necessary work restrictions.

The illegal use, sale or possession of narcotics, drugs or controlled substances while on the job or on Company property is a serious offense. Any illegal substances will be turned over to the appropriate law enforcement agency, which may result in criminal prosecution and disciplinary action, up to and including termination of employment.

Off-the-job illegal drug use that could adversely affect an employee's job performance or jeopardize the safety of other employees, customers, or the public or result in damage to Company equipment also may result in disciplinary action, up to and including termination of employment. An employee who is convicted for off-the-job drug or alcohol activities must notify his or her immediate supervisor within five calendar days of any such conviction. The degree of disciplinary action will be based on the nature of the charges and other factors relating to the impact of the employee's conviction on the conduct of Company business.

Employees who are experiencing alcohol-related problems or who use illegal drugs or controlled substances are encouraged to voluntarily seek treatment through an approved rehabilitation program. If an employee wants to enter such a program, he or she can receive assistance by contacting Human Resources.

Supervisory personnel who become aware of violations of this policy must report those violations to their immediate supervisor or manager.

The Company reserves the right to conduct routine and/or random inspections of an employee's personal property while on Company property. An employee who refuses to consent to such a search will be subject to disciplinary action, up to and including termination of employment.

II. Drug and Alcohol Testing

Company employees will not serve as a collector in conducting any required drug test. Drug test results will be reported to the Company for action as required. Alcohol test results will be determined by a qualified technician. Company employees will not serve as a technician in conducting any alcohol test. Breath-alcohol confirmation test results and blood-alcohol test results of 0.02 or greater are considered positive. The Company reserves the right to use blood-alcohol testing if breath-alcohol testing is not available in a reasonable-cause or post-accident testing situation and in any situation requiring a medical evaluation after a breath-alcohol test.

For purposes of this policy, the terms reasonable cause and reasonable suspicion may be used interchangeably to refer to the type of testing required when employees exhibit signs and symptoms indicating they may have used a prohibited drug or violated the alcohol policy provisions. All employees are required to submit to testing in specific, work-related situations. A refusal to submit to testing will result in the employee's removal from his or her position and termination of employment. The following tests are required by Company policy:

- a. Pre-employment testing - All applicants who are offered employment with the Company are required to pass a drug test prior to hiring. Applicants who test positive will not be hired. An individual must not begin working until the drug test results are verified.
- b. Post-accident testing - Unless specified otherwise in this Policy, in a post-accident situation, employees are required to submit to an alcohol and/or drug test when there is reasonable cause/reasonable suspicion to believe they are using alcohol or a prohibited drug. If a decision is made to conduct post-accident testing where an employee was performing a safety-sensitive function at the time of the incident, the employee may be suspended from his or her position pending test results, and this suspension will be unpaid if the employee tests positive for drugs or alcohol.
- c. Reasonable-cause/reasonable-suspicion testing - Unless specified otherwise in this Policy, all employees must submit to reasonable-cause drug testing when there is reasonable cause to believe they are using a prohibited drug. All employees must submit to reasonable-suspicion alcohol testing when there is reasonable suspicion to believe they have violated the Company's alcohol prohibitions. Where such testing occurs, the employee may be suspended from his or her position pending test results, and this suspension will be unpaid if the employee tests positive for drugs or alcohol.
- d. Random testing - All employees are subject to random drug testing. Employees who have a DOT operator's license, or are otherwise required to have a medical card in order to perform their job duties, are also subject to random alcohol testing.
- e. Return-to-duty testing and follow-up testing after voluntary rehabilitation - An employee who wants to participate in the Company's voluntary rehabilitation program must inform his or her supervisor. It is an employee's responsibility to inform his or her supervisor immediately when a decision is made to seek treatment. A supervisor must be informed before an employee is in a drug or alcohol testing situation because refusal to submit to a required drug or alcohol test will result in the employee's removal from his or her position and termination of employment, and a positive drug or alcohol test will result in discipline as set forth above in this policy.

After an employee has informed his or her supervisor that voluntary rehabilitation is desired, he or she will be scheduled for assessment, counseling and rehabilitation. An employee will be allowed two working days to schedule an appointment. Employees in positions covered by DOT driver regulations will be removed from operator duties, but may be allowed to perform non-operator duties for which they are qualified if work is available, as determined by the Company. Each employee will be required to sign a letter indicating compliance with Company-approved rehabilitation procedures. Participation in the voluntary rehabilitation program will not result in disciplinary action. However, successful completion of the prescribed program will be required for the employee to continue employment with the Company.

Once an employee has successfully completed the voluntary rehabilitation program, the employee will be required to submit to drug and/or alcohol return-to-duty testing; negative test results are required. After returning to duty, the employee will be subject to follow-up drug and/or alcohol testing for up to 60 months. A positive test or refusal to test will result in the employee's termination of employment. In addition to the follow-up testing requirements, the employee must continue participating in any counseling, therapy or other activity as directed by his or her drug and/or alcohol rehabilitation provider. The treatment of an employee's substance abuse may be covered in accordance with the terms of the Company's benefits program.