

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

Revised 7/17/17

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2019 MAY 22 AM 10:30

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Application for Motor Common Carrier of Persons in Paratransit Service

THIS APPLICATION IS TO BE USED FOR COMMON CARRIER PASSENGER SERVICE WHEN PROVIDING TRANSPORTATION ON A NONEXCLUSIVE, ADVANCE RESERVATION BASIS.

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

Divine Care Services, 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 Vans" 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 Vans" or "J. Doe Vans" are not considered fictitious and would not have to be registered.*

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

If YES, at PUC No. A- _____

4. **Are you a business entity registered with the PA Dept. of State?** NO

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

If YES, provide your PA Corporation Bureau Entity ID Number 6452952

(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).**

TOOCHUKWU EGBUKWU

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

324 ALDAN AVENUE
Street Address

ALDAN, PA 19018
City, State and Zip Code

215-858-4135 DELAWARE
Telephone Number 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)

N/A
Attorney's Name & Telephone Number for this Filing

N/A
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 Yes, at No. N/A

10. Describe the service area proposed by this application.

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

Divine Care Services, LLC, provides Non-Emergency, Not for hire, medical transportation services that cater to the need of citizens who are unable to own or operate motor vehicle, and need to be taken from one point to another. Divine Care Services, LLC specifically makes available transportation service for back and forth for the following

- To provide transportation services for people as a contract carrier in Philadelphia County, Bucks County, Chester County and Delaware County.
- To provide transportation services under Medical Assistance Transportation program in Philadelphia County, Bucks County, Chester County and Delaware County.
- To provide transportation services to individuals in wheelchair and stretcher in Philadelphia County, Bucks County, Chester County and Delaware County.

Examples:

- *To transport people whose personal convictions prevent them from owning or operating motor vehicles from points in Lancaster County to points in PA, and return.*
- *To transport people from the city and county of Philadelphia to correctional facilities in PA, and return.*
- *To transport people in wheelchair and stretcher vans from points in the city of Pittsburgh to points in Allegheny County, and return.*
- *To transport people between points in Northumberland County.*

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 Persons in Paratransit Service; 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.

TOOCHUKWU EGBUKWU
(Print Name)

Toochuku
(Signature)

5/22/2019
(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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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.

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Legal Name of Applicant

DIVINE CARE SERVICES, LLC

Trade Name, if any

324 Aldan Avenue

Street Address (principal place of business)

Aldan

City or Municipality

PA

State

19018

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.

TOOCHUKWU EGBUKWU

ADMINISTRATOR

DIVINE CARE SERVICES, LLC

324 ALDAN AVENUE ALDAN, PA 19018

PHONE: 215-858-4135

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

NONE

3. 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.

My facility is currently home based with an office on the first floor of my home, located at 324 Aldan Avenue Aldan, Pa 19018. My facility is currently with office tools such as Computer and Laptops, Copiers, File Cabinets, Fax machine, cell phone and Telephone line. My facility has a driveway which accommodates three vehicles.

Client records will be maintained via secured filing system and with the electronic record keeping system to enable us to capture information, generate report and meet tax and legal reporting requirements, also to be able to have an electronic back up for client information.

We will get a contract through a service or insurance provider and customer will then request for transportation through emails, phone calls fax and walk-in services to my location. I have a one-page service sheet which clients will complete for documentation purposes. As time goes on, I am working towards having a website and APP which will enable clients to request for service faster.

Drivers will be dispatched on a first-come-first service basis. In an emergency situation, we will do our best to prioritize. I/We will maintain communication with my drivers via email and cellular phones.

4. 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:
 - a. Your hiring standards for drivers;
 - b. Your system for conducting criminal background checks;
 - c. Your driver training program;
 - d. Your system for conducting driver license checks;
 - e. Your policies regarding alcohol and drug use by your drivers.

Currently, we have three drivers including myself. I planned to hire additional 10 to 15 drivers because of the geographical territory which our services will cover. The geographical territory radius is around 50 to 80 miles from our facility.

- A. Subsequently, my hiring standard for drivers will strictly be based on criminal background check, using a valid U.S state drivers' license and a provision of a minimum of two years driving history report.
- B. Criminal background checks for intending drivers will be carried out through the 23 PA.S.C.A (CHILD ABUSE HISTORY, FBI AND PA CRIMINAL HISTORY APPLY)
- C. My drivers' training program will consist of a practical and theoretical interview session, through review of driving documents and a questionnaire to ascertain driver's hospitality capability.
- D. My system of conducting driving license check will be verifying the photo ID of the intended driver and ensuring that the license is current and up to date.
- E. Intended driver will undergo a mandatory drug screening test before employment and subsequently, every other three months. There is a zero-tolerance on drug and alcohol use. We have an immediate termination for anyone involved.

5. 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.

<u>YEAR</u>	<u>MAKE</u>	<u>MODEL</u>	<u>SEATING CAPACITY*</u>	<u>VEHICLE ID #</u>	<u>MILEAGE</u>
2008	CHEVROLET	UPLANDER	SEVEN	1GNDV23W18D105690	110830

*Vehicles with seating capacity of more than 15 passengers, including driver, can't be used in paratransit service.

6. Describe your vehicle safety program. Please include the following in your explanation:
 - a. Your periodic vehicle maintenance plan
 - b. Your system for ensuring your vehicles will continuously comply with applicable Pennsylvania vehicle equipment standards (67 Pa. Code, Chapter 175).

It is the policy of Divine Care Services, LLC that our passenger vehicles (including sedans cans and light-duty trucks) will be used only for company business and will be operated only by authorized workers who meet the driver criteria in our vehicle safety program.

All employees must comply with federal, state and local laws and policies. Also to be "Job ready" when they are on duty meaning the drivers must be physically and mentally fit to do their job. Employees must not use intoxicants, drugs or medications that could impair their judgment or ability to drive. Manages and supervisors have the right to determine an employee's job readiness. It is in our policy to provide and maintain a safe working environment to protect our clients, employees and the people in the communities where we conduct business from injury and property loss.

We will ensure that our vehicles are regularly inspected and that it complies with the state of Pennsylvania's Equipment Standard (67Pa. Code, Chapter 175). Every three (3) months, our vehicles will be inspected for safety reasons. The comfort and safety of my passengers is my priority. I will comply with (52 PA. Code, SEC. 29.403) passenger guideline of Pennsylvania.

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

We have made several inquiries with insurance companies, and have secured few quotes from them.

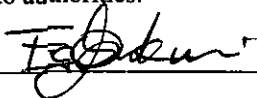
8. State whether the applicant has been convicted of a misdemeanor or felony. If applicant is partnership, limited liability partnership, corporation, or limited liability company this question applies to all members, officers, and/or shareholders. If "YES", explain.

___ YES NO

9. 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)

Too-chukwu Egbukwu, Administrator

(Name and Title, printed or typed)

05/06/2019

(Date)

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Statement of Financial Position (Balance Sheet)

As of (date) _____

ASSETS

Current Assets		
Cash	<u>\$7,500</u>	
Other Current Assets (specify)	<u> </u>	
Total Current Assets		<u>\$7,500</u>
Tangible Assets		
Motor Vehicle Equipment	<u>\$4,800</u>	
Property (buildings, land, etc.)	<u>\$4,500</u>	
Office Equipment	<u> </u>	
	TOTAL ASSETS	<u>\$16,800</u>

LIABILITIES

Current Liabilities (Due within one year of date)		
Loans	<u>\$0.00</u>	
Credit cards/revolving credit	<u>\$0.00</u>	
Other Liabilities (Attach schedule)	<u>\$0.00</u>	
Total Current Liabilities		<u>\$0.00</u>
Long Term Liabilities (Due after one year of date)		
Mortgage	<u>\$0.00</u>	
Long term commercial loan	<u>\$0.00</u>	
Other Liabilities (Attach Schedule)	<u>\$0.00</u>	
Total Long Term Liabilities		<u>\$0.00</u>
	TOTAL LIABILITIES	<u>\$0.00</u>

PENNSYLVANIA DEPARTMENT OF STATE
BUREAU OF CORPORATIONS AND CHARITABLE ORGANIZATIONS

Entity# : 6452952
Date Filed : 09/14/2016
Effective Date : 09/15/2016
Pedro A. Cortés
Secretary of the Commonwealth

Certificate of Organization Domestic Limited Liability Company
(15 Pa.C.S. § 8913)

Name CHRISTINE DOPSON		
Address 887 MAIN STREET,		
City DARBY	State PA	Zip Code 19023

Document will be returned to the name and address you enter to the left.

Fee: \$125.00

In compliance with the requirements of 15 Pa.C.S. § 8913 (relating to certificate of organization), the undersigned desiring to organize a limited liability company, hereby certifies that:

1. The name of the limited liability company (designator is required, i.e., "company", "limited" or "limited liability company" or abbreviation): DIVINE CARE SERVICES LLC					
2. The (a) address of the limited liability company's initial registered office in this Commonwealth or (b) name of its commercial registered office provider and the county of venue is:					
(a) Number and Street	City	State	Zip	County	
2 S. SWARTHMORE AVE, APT C7	RIDLEY PARK	PA	19078	Delaware	
(b) Name of Commercial Registered Office Provider				County	
c/o:					
3. The name and address, including street and number, if any, of each organizer is (all organizers must sign on page 2):					
Name		Address			
TOOCHUKWU O EGBUKWU		2 S. SWARTHMORE AVE , APT C7 , RIDLEY PARK , Delaware , PA , United States , 19078			
4. <i>Strike out if inapplicable term</i> A member's interest in the company is to be evidenced by a certificate of membership interest.					

MAY 22 2019

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

**DRUG FREE WORKPLACE/SUBSTANCE ABUSE POLICY FOR COMMERCIAL
VANS DRIVERS**

1.0 STATEMENT OF PURPOSE AND SCOPE OF POLICY

- 1.1. Divine Care Services limited Liability Company is firmly committed to ensuring a safe, healthy, productive and efficient work environment for our employees, customers and the public in general. The Company has a vital interest in ensuring a safe, healthy and efficient working environment and the prevention of accident; and injuries, which can result from the misuse of alcohol or controlled substances by drivers of the Company's commercial vehicles. For these reasons, and as required by the drug and alcohol testing regulations of the Federal Motor Carrier Safety Administration ("FMCSA"), the Company has established this substance abuse policy for the drivers of its commercial motor vehicles. Drug and alcohol testing is an integral part of our policy and program. Compliance with this policy is required by applicants as a condition of employment and by drivers as a condition of continued employment.
- 1.2. This policy applies to any driver who operates a "DIVINE CARE SERVICES LIMITED LIABILITY COMPANY" vehicle for or on behalf of the Company. The policy also applies to all applicants who seek employment for such driver positions. Additionally, this policy applies to any Company supervisor and other managerial personnel who drive or may be required to drive a DIVINE CARE SERVICES LIMITED LIABILITY COMPANY vehicle from time-to-time on the Company's behalf.
- 1.3. This policy explains the FMCSA's drug and alcohol regulations and the Company's own policies with respect to the use of controlled substances or the misuse of alcohol. Provisions of this policy that are included under the Company's independent are specifically noted by text, which has been underlined.
- 1.4. This policy is not a contract of employment. All company employees are employee's at-will. This means that employment can be terminated at any time either by the employee or Company with or without cause and with or without notice. If an employee fails to comply with this policy, the employee will be subject to corrective action, up to and including termination. In the case of an applicant, noncompliance will result in an applicant being ineligible for employment with the Company.
- 1.5. The Company maintains a policy of non-discrimination and will endeavor to make reasonable accommodations to assist recovering addicts or alcoholics and those having a medical history reflecting treatment for substance abuse conditions. We encourage employees to seek assistance before drug and alcohol use renders them unable to perform their essential job functions or jeopardizes the health and safety of themselves or others.

1.6. Any questions regarding the meaning or application of this policy should be directed to the Program Administrator, who shall be the designated Company representative for purposes of this policy.

2. DEFINITIONS

2.1 "**Alcohol**" means the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols, including methyl or isopropyl alcohol.

2.2 "**Alcohol Use**" means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

2.3 "**Controlled Substances**" and "Drugs" are used interchangeably in this policy and mean marijuana, cocaine, opiates, amphetamines, phencyclidine (PCP), or their metabolites, and any other substance included in Schedules I through V, as defined by the Controlled Substances as they may be revised from time to time. The terms "controlled substances" and "drugs" include legal substances obtained illegally or used in an unauthorized manner, but do not refer to the proper use of controlled substances authorized by law which do not affect job safety or performance.

2.4 "**Disabling Damage**" means damage which prevents a motor vehicle from being driven from the scene of the accident in its usual manner in daylight after simple repairs, including damage to motor vehicles that could have been driven, but would have been further damaged if driven. This term does not include damage which can be remedied temporarily at the scene of the accident without special tools or parts; tire disablement without other damage even if no spare tire is available; headlight or taillight damage; or damage to turn signals, horn or windshield wipers which make them inoperative.

2.6 "**Driver**" means any person who operates a "DIVINE CARE SERVICES LIMITED LIABILITY COMPANY vehicle" Under FMCSA regulations, this includes, but is not limited to: full time, regularly employed drivers; casual, intermittent or occasional drivers.

2.7 "**Medical Review Officer**" ("MRO") means a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving and reviewing laboratory results generated by an employer's drug testing program and evaluating medical explanations for certain drug test results.

2.8 "**Performing a Safety-Sensitive Function**" means any period in which a driver is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

2.9 "**Safety Sensitive Function**" means the following activities and includes the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work:

- a. All time at a Company or picking up / dropping a passenger, waiting to be dispatched, unless the driver has been relieved from duty by the Company;

- b. All time inspecting equipment as required by the FMCSA's regulations, 49 C.F.R. "392.7 and 392.8, or otherwise inspecting, servicing, or conditioning any **Divine Care Services** vehicle at any time;
- c. All time spent at the driving controls of a **Divine Care Services** vehicle in operation;
- d. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

2.10 "**Substance Abuse Professional**" ("**SAP**") means a person who evaluates employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare. A SAP may be a licensed physician (medical doctor or doctor osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or an addiction counselor. All SAPs must have knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

3.0 PROHIBITED CONDUCT

3.1 Prohibited Conduct Concerning Drivers' Use Of Drugs and Alcohol:

- a. Drivers are prohibited from reporting for duty or remaining on duty when using any drugs, except when the use is pursuant to the instructions of a medical doctor who has advised the driver that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle.
- b. Drivers are prohibited from reporting for duty or remaining on duty with an alcohol concentration of 0.04 or greater. Drivers found to have an alcohol concentration of 0.02 or greater, but less than 0.04, are prohibited from performing any safety-sensitive functions for at least 24 hours from the test.
- c. Drivers are prohibited from using alcohol in any form (including medications containing alcohol) while performing safety-sensitive functions (refer to Section 2.7 of this policy for the definition of performing safety-sensitive functions).
- d. Drivers are prohibited from performing safety-sensitive functions within four (4) hours after using alcohol. On-call employees who are not at work but could be called to drive or perform other safety-sensitive functions, are subject to this pre-duty alcohol prohibition. This means a driver who is on-call must decline a call to work if his or her acceptance would require the employee to drive or perform other safety-sensitive functions within four (4) hours after consuming alcohol.
- e. Drivers are prohibited from using alcohol for eight (8) hours following an accident or until the driver takes a post-accident alcohol test (and tests negative), whichever occurs first.
- f. Drivers may not "refuse to submit" to any drug or alcohol test required under the FMCSA's drug and alcohol rules and/or this policy. (For further details concerning what actions will be considered as a "refusal," refer to section 3.2 of the policy.)

g. Drivers are prohibited from performing or continuing to perform a safety-sensitive function if they have tested positive for controlled substances or alcohol.

h. Drivers may not refuse to submit to any inspection required under section 11.0 of this

i. Drivers are prohibited from engaging in the unlawful or unauthorized manufacture.

Distribution, dispensation, sale, purchase, solicitation, transfer, possession. Use or transport of controlled substances or alcohol. These prohibitions do not include the authorized distribution, dispensation, sale, purchase, solicitation, transfer, possession, use or transport of alcoholic beverages in connection with Company-sponsored functions or «events.

j. Drivers are prohibited from failing to stay in contact with the Company or its medical review officer ("MRO") while awaiting the results of a drug test.

3.2 Refusal to Submit: For purposes of this policy, the following employee conduct will be considered a refusal to submit to a test:

a. failing to appear for any test within a reasonable time, as determined by the Company, after being directed to do so by the Company;

b. failing to remain at the testing site until the testing process is complete;

c. failing to provide a urine specimen, or breath or saliva specimen for testing;

d. failing to attempt to provide a breath or saliva specimen for testing;

e. failing to provide a sufficient amount of urine when directed, unless it has been determined, through a required medical evaluation, that there was an adequate medical explanation for the failure;

f. failing or declining to take a second Drug or Alcohol test that the Company or collector has directed to be taken including failing to take a second test that the Company has directed following a negative result;

g. failing to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the Program Administrator or other designated Company representative as part of the "shy bladder" procedures, or the insufficient breath procedures;

h. failing to provide a sufficient breath specimen when directed, unless it has been determined, through a required medical evaluation, that there was not adequate medical explanation for the failure; failing to sign the certification at Step 2 of the Alcohol Testing Form;

j. altering or substituting a urine sample (which has been verified by the MRO);

k. failing to cooperate with any part of the testing process, such as by refusing to empty pockets at the collection site, by failing to permit the observation or monitoring of the provision of a urine specimen in the case of a directly observed or monitored collection in a drug test or by in any other manner delaying the collection, testing or verification process or

otherwise engaging in conduct that clearly obstructs. Or attempts to obstruct the testing process. As provided in the Company's Drug/Alcohol-Free Workplace Policy.

3.3 Consumption of Food or Food-Products Containing Hemp: The consumption of food and food-products containing hemp (for example, hemp oil) may cause a driver to test positive for marijuana. A test result that is positive as a result of a driver's consumption of food or food products containing hemp will be reported as a positive test. (Refer to Section 7.3 regarding the consequences of a positive test result.)

3.4 Prohibition on Supervisor or Manager Permitting a Driver to Work: No supervisor or manager who has actual knowledge that an employee has engaged in or is engaging in conduct prohibited under this policy shall permit the employee to work or continue working under such circumstances. Any employee who has been directed not to work or directed to stop working under such circumstances must immediately comply.

3.5 Prohibition against Working While Using Any Drug Medications Which Affect Safety or Performance:

a. Except as otherwise provided in this section. The lawful use of any medication (therapeutic drugs) while performing a safety-sensitive function is prohibited to the extent such use may affect the driver's ability to perform his/her job duties safely.

b. A driver who will use, or who is using, any medication that contains a controlled substance has an obligation to inquire and determine whether the medication the driver is using or may use could affect the driver's ability to perform his/her job duties safely.

c. If the driver is or will be using any such drug medication, the driver is required to obtain from the driver's licensed medical practitioner a written statement which provides that the medication will not interfere with the driver's ability to safely and efficiently perform the driver's job duties or provides the work restrictions, if any, which the driver is subject to for the period of time the driver is taking the medication.

d. In the event a driver is using or will be using drug medication which will interfere with or adversely affect the driver's ability to perform his or her job duties, such information must be reported to the driver's immediate supervisor prior to commencing any safety sensitive functions, without disclosing the identity of the substance. The driver must also have the medication available for review by the Company's MRO in its original container which must identify the medication dosage and other pertinent information about the medication.

e. A driver may continue to work if the Company's MRO and the licensed medical practitioner have determined that the medication will not adversely affect the driver's ability to safely and efficiently perform the driver's safety-sensitive functions, or they have determined that a reasonable accommodation can be made concerning the driver's medication. A driver will not be permitted to perform his or her safety-sensitive functions unless such a determination or reasonable accommodation has been made.

4.0 REQUIRED TESTS AND PAST TEST RESULTS INFORMATION

As required by DOT's and FMCSA's regulations, the Company will conduct drug and alcohol tests under the conditions and circumstances described below.

4.1 Pre-Employment Drug Testing and Past Test Results Information:

a. All applicants who have received a conditional offer of employment in a commercial motor vehicle ("CMV") driver position, and all existing employees whose transfer to a CMV driver position has been conditionally approved, are required to submit to a pre-employment drug test and must receive a negative test result as a condition of employment. Such tests will be conducted prior to the time the applicant is hired or transferred.

b. In addition to a pre-employment drug test, FMCSA's regulations (DOT's regulations after August 1, 2001) require the Company to obtain the following specific information concerning an applicant's past FMCSA-regulated (DOT-regulated, on and after August 1, 2001), drug and alcohol tests from an applicant's former employers during the previous two years: (i) confirmed alcohol tests with results of 0.04 or greater; (ii) drug tests whose results were verified positive; and (iii) all instances in which the applicant refused to be drug or alcohol tested (including verified adulterated or substituted drug test results). Effective August 1, 2001, the Company will also be required to obtain information regarding (iv) other violations of DOT drug and alcohol testing regulations, and (v) documentation that the employee successfully completed DOT return-to-duty requirements, (including follow-up testing) where applicable. All such information be obtained in a confidential manner and the Company will maintain a written confidential record with respect to each former carrier contacted. The information obtained from a previous employer who employed the applicant in a CMV driver or other FMCSA safety-sensitive position may contain alcohol and drug information which that employer obtained from other previous employers regarding the FMCSA-required drug and alcohol testing of the applicant. As of August 1, 2001, the information obtained from an employer who employed the applicant in a CMV driver or other DOT-regulated safety-sensitive position may contain alcohol and drug information which the employer obtained from other previous employers during the past two years.

c. If the Company learns from the driver's previous employers that the driver had an alcohol test result of 0.04 or greater, a verified positive drug test, or refused to be tested, on a FMCSA-required drug or alcohol test (on a DOT-required drug or alcohol test on or after August 1, 2001), the driver either will be ineligible to drive for the Company, or if hired, the driver will be terminated, unless the Company obtains evidence that the driver has complied with the referral and rehabilitation requirements set forth in 5382.605 of FMCSA's regulations (as of August 1, 2001, the return-to-duty requirements, including follow-up tests, set forth in Subpart O of 49 C.F.R. Part 40).

d. Effective August 1, 2001, an applicant must inform the Company whether he or she has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the applicant applied for, but did not obtain, safety-sensitive transportation work covered by DOT agency drug and alcohol testing rules during the past two years.

4.2 Post-Accident Drug and Alcohol Testing:

a. A driver who is performing safety-sensitive functions (as defined in Section 2.8 of this policy) involving a commercial motor vehicle is required to submit to a post-accident drug and/or alcohol test under the circumstances listed below. The alcohol test must be administered within 2 hours and drug test must be administered within 32 hours following the accident.

1. Fatal accidents: A driver who is involved in an accident which results in a death to another human being must always submit to a drug and alcohol test.

2. Non-fatal accidents: A driver, who is involved in a non-fatal accident, must submit to a post-accident drug and alcohol test if:

(a) The driver was given a citation for a moving traffic violation involving the accident and

(b) The accident also results in one of the following:

(1) Bodily injury to the driver or another individual, requiring immediate medical treatment away from the scene of accident; or

(2) one or more of the vehicles involved in the accident incurs disabling damage (as defined in Section 2.5 of the policy), requiring the vehicle(s) to be transported away from the scene by a tow truck or other vehicle.

3. In addition, drivers who the Company deems to have caused or contributed to a work-related accident (as defined below), will be required to submit to a drug and alcohol test.

(a) As used in this policy, "work-related accident" means an accident:

(1) Which occurs while the employee is on the premises of the Company or is off-site while engaged in activities for or on behalf of the Company. Or while the employee is operating a vehicle. Including the employee's, for or on behalf of the Company, and

(2) Which results in bodily injury to any individual who as a result of the accident receives or requires medical treatment beyond first aid. Is rendered unconscious, spends days away from work. Or is placed on reduced or modified job duties or schedule.

b. Drivers involved in any accident involving their vehicle must notify the Program Administrator as soon as possible to obtain information on how to proceed with the required testing. Drivers are obligated to follow the Program Administrator's instructions and, if directed, submit to post-accident drug and alcohol tests as soon as possible.

c. A driver who is subject to post-accident testing must remain readily available for such testing or else will be deemed to have refused to submit to such testing. However, "readily available" requirement does not require the delay of necessary medical attention for injured people or prohibit a driver from leaving the scene of the accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

d. A driver who is involved in an accident. And who the Company reasonably suspects is under the influence of drugs or alcohol, will be suspended after completion of the drug and/or alcohol tests. The Company also reserves the right to evaluate the conduct of the driver which may have caused or contributed to the accident, to determine if this conduct in and of itself should warrant corrective action, up to and including termination.

e. The results of a breath or blood test for the use of alcohol, or the results of a urine test for the use of controlled substances, conducted by Federal, State, or local officials having independent authority for the test, shall be considered to meet the requirements of this section, provided such tests conform to the applicable Federal, State or local alcohol testing requirements, and that the results of the tests are obtained by the employer.

4.3 Random Drug and Alcohol Testing:

a. Each year the Company will administer random alcohol and drug tests. Random drug tests may be conducted at any time. Random alcohol tests will only be conducted while a driver is performing safety-sensitive functions, just before the driver performs safety sensitive functions, or just after the driver has ceased performing safety-sensitive functions.

b. The Company shall select drivers for testing using a random number table or a computer based random number generator that is matched with the drivers' social security numbers, or other comparable identification numbers which will ensure that each driver has an equal chance of being tested each time selections are made.

c. All random tests will be unannounced and the dates for administering the tests will be spread reasonably throughout the calendar year. The dates of random testing, locations and names of those to be tested are kept in the strictest confidence by the Program Administrator and the specimen collector.

d. Each driver who is notified of selection for random drug or alcohol testing must proceed to the test site immediately. If the driver is performing a safety-sensitive function (refer to section 2.8) at the time of notification, the driver must cease performing the safety sensitive function and proceed to the test site as soon as possible, but not longer than two hours from the time of notification. Drivers who do not proceed to the test site immediately upon notification of the test may be considered to have refused to submit to the test.

4.4 Reasonable Suspicion Drug and/or Alcohol Testing:

a. A driver must submit to a reasonable suspicion drug and/or alcohol test whenever a manager or supervisor has reasonable suspicion to believe that the driver has violated the drug or alcohol prohibitions contained in this policy. Reasonable suspicion drug tests may be conducted at any time. Reasonable suspicion alcohol tests may be conducted only while the driver is performing safety-sensitive functions, just before the driver performs safety-sensitive functions, or just after the driver has ceased performing safety sensitive functions.

b. Reasonable suspicion determinations will be based on specific, contemporaneous, articulable observations concerning the driver, including but not limited to, the driver's

appearance, and behavior, speech, or body odors. For drug testing, the observations may also include indications of the chronic and withdrawal effects of drugs.

c. Documentation of the observations leading to a reasonable suspicion test will be prepared and signed by the supervisor or manager who made the observations. The supervisors and managers who will make reasonable suspicion determinations must have received training on alcohol misuse and controlled substances use in accordance with the FMCSA's regulations. The particular supervisor or manager who makes a reasonable suspicion determination will not conduct the drug or alcohol test.

d. A driver who is directed to take a reasonable suspicion drug and/or alcohol test must submit to the test as directed. The Company shall transport or ensure transport of the driver both to and from the collection site.

e. A driver who is requested to submit to a reasonable suspicion drug and/or alcohol test will be suspended after the completion of the tests. The Company also reserves the right to evaluate the conduct of the driver which warranted the reasonable suspicion drug or alcohol tests to determine if the conduct in and of itself should warrant corrective action up to and including termination.

5.0 SELF-IDENTIFICATION OF SUBSTANCE ABUSE PROBLEM

5.1 Consistent with and subject to the Company's policies concerning medical and personal leaves, a driver who voluntarily self-identifies himself or herself as having a drug or alcohol problem and requests assistance for such a problem will be referred to a substance abuse professional ("SAP for an evaluation and, if recommended, an appropriate counseling, treatment or rehabilitation program. The cost of the counseling, treatment or rehabilitation is the driver's responsibility. (For further details concerning the employee's payment obligations, employees should refer to their medical insurance plan.)

5.2 **This request must be made before the driver is directed or otherwise required to submit to a drug or alcohol test required by DOT or this policy or before the driver has been found to have violated a prohibition contained in this policy.**

5.3 Once leave commences periodic certification that the employee is actively continuing to participate in the program, together with progress reports. Shall also be required. As a further condition of taking such leave, the employee will be required to authorize the attending SAP to communicate directly with the company including releasing the employee's relevant treatment records to the Company, except as federal or state law may otherwise require. All such oral and written communications between the substance abuse professional and Company shall be treated as confidential.

5.4 Except where the federal or state law prohibits. All leave time taken for the evaluation, counseling; treatment or rehabilitation will be counted against the leave to which the employee may be entitled under the federal or state Family and Medical Leave laws.

5.5 Prior to the time such leave begins; the driver will be required to execute the company's "Agreement for Evaluation and Conditions for Continued Employment." This agreement

provides, among other things, that before a driver will be permitted to return to his/her driving duties or perform other safety-sensitive functions for the Company, the driver will be required to submit to post-voluntary rehabilitation return-to-duty drug test and/or post-voluntary rehabilitation return-to-duty alcohol and must receive a negative result. The agreement also provides that the driver may be required to submit to post-voluntary rehabilitation follow-up drug tests and/or post voluntary rehabilitation follow-up alcohol tests after returning to work, if directed by the treating substance abuse professional. Any return-to-duty and follow-up drug and/or alcohol tests performed under this section of the policy will be conducted as permitted by and in accordance with the applicable state or local law, if any. Where there is no applicable state or local law Or where such laws do not provide specific detailed procedures governing such testing, the Company will follow the Federal Procedures for Transportation Workplace Drug and Alcohol Testing Programs, 49 C.F.R. Part 40, as amended.

6.0 DRUG AND ALCOHOL TESTING PROCEDURES

As required by the FMCSA's rules, the Company's drug and alcohol testing procedures comply with the Federal Procedures For Transportation Workplace Drug and Alcohol Testing Programs, 49 C.F.R. Part 40, as amended. (A copy may be obtained from the Program Administrator). These procedures ensure the integrity, confidentiality and reliability of the testing processes, safeguard the validity of the test results and ensure that these results are attributed to the correct driver. Further, these procedures minimize the impact upon the privacy and dignity of persons undergoing such tests. The following provides a summary of the federal procedures.

6.1 Drug Testing Procedures:

a. Drugs being tested for: The drugs specifically being tested for include: marijuana, opiates, amphetamines, cocaine, and phencyclidine (PCP) and their metabolites.

b. Chain-of-custody and laboratory: For purposes of conducting drug tests, the Company has established a chain-of-custody procedure for the collection and analysis of urine samples that will verify the identity of each sample and test result. All drug tests conducted pursuant to this policy shall be performed by laboratories, which are certified by the Department of Health and Human Services ("DHHS").

c. Confirmation, review and verification of drug test results:

1. All positive drug test results will be confirmed by gas chromatography and mass spectrometry (GC/MS). All confirmed positive drug test results will be reviewed by a medical review officer ("MRO") to determine whether there is any legitimate explanation for the positive test result. This review may include a medical interview, review of the applicant's or drivers medical history, or review of any other relevant biomedical factors and all medical records made available by the tested individuals.

2. Individuals testing positive will be given the opportunity to discuss with the MRO any legitimate explanation for the positive test result. If, after speaking with the driver, the MRO determines that there is a legitimate medical explanation for the confirmed positive test result, the MRO will report the test result as "negative" to the Program Administrator. If the

MRO determines that there is no legitimate explanation for the confirmed positive test result, the result will be verified as a "verified positive test result" by the MRO.

3. Under the circumstances set forth in 49 C.F.R. Part 40, the MRO is permitted to verify a test result as a verified positive without having first communicated directly with the driver. In the event that serious illness, injury or other unavoidable circumstances prevented the driver from being contacted by the MRO or the Program Administrator, however, the MRO may reopen the verification process to permit the driver to provide information concerning a legitimate explanation for the positive test. (Refer to Section 3.1.j. of the policy concerning the driver's duty to remain in contact with the Company and MRO.

4. All adulterated or substituted test results will be reviewed by the MRO to determine whether there is any legitimate medical explanation for the laboratory findings. It is the applicant or driver's burden of proof to show that there is a legitimate medical explanation. If the MRO determines that the applicant's or driver's explanation does not present a reasonable basis for concluding that there is a legitimate medical explanation, the MRO will report the test to the Program Administrator and the individual tested as a verified refusal to submit to a test because of adulteration or substitution, as set forth in Section 3.2.j. (Refer to Section 7.2 for the consequences of a refusal to submit to a test). If, however, the MRO believes that the applicant's or driver's explanation may present a reasonable basis for concluding that there is a legitimate medical explanation, the MRO shall direct the applicant or driver to obtain, within five days of the MRO's verification interview of the applicant or driver, a further medical evaluation. This evaluation must be performed by a licensed physician acceptable to the MRO, with expertise in the issues raised by the applicant's or driver's explanation. The Company and the MRO are not responsible for finding or paying for a referral physician. However, on request of the applicant or driver, the Company or MRO will provide reasonable assistance to the applicant's or driver's efforts to find such a physician. If, after conferring with the referral physician, the MRO concludes that there is a legitimate medical explanation, the MRO shall cancel the test and report the cancellation and the reasons for it to the Program Administrator and the tested individual. If, after conferring with the referral physician, the MRO concludes that there is no legitimate medical explanation, the MRO will notify the Program Administrator and the tested individual of a verified refusal to submit to a test because of adulteration or substitution, as set forth in Section 3.2.j. (Refer to Section 7.2 for the consequences of a refusal to submit to a test)].

5. **As of August 1, 2001, if the MRO reports to the Company that a negative drug test was dilute, it will be accepted as a negative result.**

6. Right to have split-sample analyzed:

(a) **Verified Positive Tests:** All applicants and drivers whose primary urine sample is verified positive have the right to request that their split-sample be analyzed in a different DHHS certified laboratory, selected by the Company, for the presence of the drug(s) for which a positive result was obtained. The request must be made to the MRO within 72 hours of being notified by the MRO of a verified positive test result. If the split-sample

fails to reconfirm the presence of the drug(s) found in the primary sample, or if the split-sample is unavailable, inadequate for testing or untestable, the MRO shall cancel the test and report the cancellation and the reasons for it to the Program Administrator, the tested individual and the DOT. However, if the split-sample reconfirms the presence of the drug(s) or drug metabolite(s), the MRO will notify the Program Administrator and the tested individual of the test results.

(b) **Verified Adulterated or Substituted Tests:** All applicants and drivers whose primary urine sample is verified adulterated or substituted have the right to request that their split-sample be analyzed in a different DHHS certified laboratory, selected by the Company, to reconfirm the adulterated or substituted result. The request must be made to the MRO within 72 hours of being notified by the MRO of a verified adulterated or substituted test result. If the split-sample fails to reconfirm adulteration or substitution of the primary sample, the MRO shall cancel the test and report the cancellation and the reasons for it to the Program Administrator and tested individual. Additionally, if the split-sample is unavailable, inadequate for testing or untestable, the MRO shall cancel the test and report the cancellation and the reasons for it to the Program Administrator, and the tested individual. The Program Administrator shall ensure the immediate collection of another specimen from the applicant or driver under direct observation (see Section 6.1.c.8), with no notice given to the applicant or driver until immediately prior to the collection. However, if the split-sample reconfirms adulteration or substitution, the MRO will notify the Program Administrator and the tested individual of the test results. Reconfirmation of adulteration or substitution constitutes a refusal to submit to a test, as set forth in Section 3.2.j. (Refer to Section 7.2 for the consequences of a refusal to submit to a test).

7. Inability to provide adequate amount of urine sample: Applicants and drivers must provide a urine sample of at least 45 milliliters of urine for a drug test. If the tested individual is unable to provide such a quantity of urine, then the tested individual will be instructed to drink a set amount of fluids over the course of a three-hour period, and again attempt to provide a complete sample. If the applicant or driver refuses to attempt to provide a new urine specimen, this will constitute a refusal to submit to a test and a driver will be terminated and an applicant will be ineligible for employment with the Company. If the applicant or driver has not provided a sufficient specimen within three hours of the first unsuccessful attempt to provide the specimen, the collection will be discontinued. The Program Administrator, after consulting with the MRO, will then direct the applicant or driver to obtain, within five working days, a medical evaluation. Failure to undergo such an evaluation constitutes a refusal to test. The purpose of the evaluation is to determine whether the applicant or driver has a medical condition that has, or with a high degree of probability could have, precluded the applicant or driver from providing a sufficient amount of urine. If the physician determines that there is no legitimate medical explanation for the driver's failure to provide an adequate amount of urine, this will constitute a refusal to submit to a test and the driver will be terminated.

8. Privacy; Limitations: Procedures for collecting urine samples allow an individual privacy unless there is a reason to believe that a particular individual has adulterated or

substituted, or attempted to adulterate or substitute, the sample, as defined in the Federal Procedures For Transportation Workplace Drug Testing Programs, 49 C.F.R. Part 40. In such cases, a sample may be obtained under the direct observation of a specimen collector of the same gender as the individual being tested. In addition, effective August 1, 2001, DOT regulations require the Company to direct an immediate collection under direct observation with no advance notice to the applicant or driver, if:

- (a) The laboratory reported to the MRO that a specimen is invalid, and the MRO reported to the Company that there was not an adequate medical explanation for the result; or
- (b) The MRO reported to the Company that the original positive, adulterated, or substituted test result had to be canceled because the test of the split specimen could not be performed.

The Company also may direct a collection under direct observation of a driver if the drug test is a return-to-duty test or a follow-up test.

6.2 Alcohol Testing Procedures:

a. How test will be performed: Alcohol screening tests will be performed by a screening test technician ("STT") using a non-evidential screening device, or by a breath alcohol technician ("BAT") using an evidential breath testing device ("EBT"). The Company ensures that the STTs are proficient in the operation of non-evidential screening devices and that the BATs are proficient in the operation of EBTs. In addition, the Company uses only non-evidential alcohol screening devices and EBTs, which are listed on the conforming products list issued by the National Highway Traffic Safety Administration.

b. Confirmation of alcohol test results: If the result of the screening test is an alcohol concentration of 0.02 or greater, a confirmation test will be performed using an EBT. The confirmation test will be conducted within 15 to 30 minutes from the end of the screening test. The confirmation test result is the final result upon which any corrective action or other action taken under the Company's policy shall be based.

c. Inability to provide adequate amount of specimen for alcohol testing:

1. If a driver fails to provide or claims that he or she is unable to provide a sufficient amount of breath to permit a valid breath test, the Company will direct the driver to obtain, within five days, an evaluation from a licensed physician who is acceptable to the Company and who has expertise in the medical issues raised by the driver's failure to provide a sufficient specimen. Failure to undergo such an evaluation constitutes a refusal to test. If the physician concludes that a medical condition has, or with a high degree of probability could have, precluded the driver from providing a sufficient amount of breath, the driver's test will be canceled. If the physician concludes that there is not an adequate basis for determining that a medical condition has, or with a high degree of probability could have, precluded the driver from providing a sufficient amount of breath, the driver will be considered to have refused to test.

7.0 CONSEQUENCES FOR POLICY VIOLATIONS

The consequences discussed below apply to applicants and drivers who are found to have violated this policy. Regardless of the corrective action imposed, however, FMCSA's regulations require drivers who engage in any prohibited conduct under this policy to be advised of available resources for evaluating and resolving problems associated with drug use and alcohol misuse, including the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs. This information will be provided through the Company's Human Resources Department.

7.1 Automatic Removal from Safety-Sensitive Functions: DOT's and FMCSA's regulations require drivers who violate this policy in any way to be immediately removed from their safety sensitive functions. Such drivers are prohibited from performing, or being permitted to perform, a safety-sensitive function, including driving Company vehicles.

7.2 Refusal to Submit: Any driver who refuses to submit to a test will be terminated. Applicants who refuse to submit to a test will be ineligible for employment with the Company. Refer to section 3.2 concerning what actions will constitute a driver's "refusal to submit."

7.3 Positive Test Results:

a. Applicants: All applicants who receive a verified positive drug test result will be ineligible for employment with the Company.

b. Drivers:

1. Temporary suspension: Any driver who is required to submit to a reasonable suspicion drug or alcohol test, or a post-accident drug and alcohol test were the Company has reason to suspect that the driver was under the influence of drugs or alcohol, will be temporarily suspended.

2. Drivers who test positive for the first time: If a driver receives a verified confirmed positive drug test, or a confirmed alcohol test of 0.04 or greater, for the first time:

a. A driver who has been employed by the Company for one (1) year or more, calculated from the last date of hire, will be offered an opportunity to sign and comply with the Company's "last chance" agreement. This Agreement provides a driver with the opportunity to be evaluated for a drug or alcohol problem by a substance abuse professional and, if determined to be necessary by the evaluating substance abuse professional, to participate in a counseling, treatment or rehabilitation program, whichever is determined to be more appropriate by the substance abuse professional. The cost for the evaluation and any counseling, treatment or rehabilitation will be paid at the driver's own expense to the extent it is not covered by Strober's health insurance provider (see Section 8.0). A driver may also be subject to return-to-duty and follow-up testing. However, The driver will be terminated if the driver: (i) refuses to participate in a Company-sponsored evaluation. And if recommended, counseling, treatment or rehabilitation program. Or (ii) fails to complete successfully the recommended counseling, treatment or rehabilitation program, as evidenced by the driver's withdrawal from or refusal to cooperate with the

counseling, treatment. Or rehabilitation before its completion, or by a positive test result during or after completion of the program.

b. A driver who has been employed by the Company for less than one (1) year. Calculated from the last date of hire, will be terminated.

3. Drivers who test positive a second time: Any driver, who receives a confirmed positive drug test result or a confirmed alcohol test result of 0.04 or greater, for a second time. Will be terminated from employment.

4. Positive alcohol test results of 0.02 or greater but less than 0.04: A driver who receives a confirmed alcohol test result of 0.02 or greater, but less than 0.04, for the first time, will be suspended for at least 24 hours. A driver who receives a confirmed positive alcohol test result of 0.02 or greater for a second time will be terminated.

5. Fitness-for-duty evaluation in the event of driver's legal and authorized use of a controlled substance: Whenever an employee is required to submit to a reasonable suspicion drug test and receives a positive test result caused by the employee's legal and authorized use of a controlled substance, the Company will require the employee to submit to a fitness-for-duty evaluation. An employee who tests negative may also be required to submit to a fitness-for-duty evaluation. The evaluation may include a review of the employee's medical records and/or a medical examination. The purpose of the evaluation is to determine whether the employee poses a significant risk of substantial harm to the health and safety of the employee or others in the workplace, including customers and visitors. Employees will be required to provide the necessary authorizations for obtaining the medical records and conducting the examination. Depending upon the results of the evaluation, the Company will consider whether the safety or health risk can be eliminated or sufficiently reduced by a reasonable accommodation, if applicable.

7.4 Other Policy Violations: Drivers who commit policy violations other than those addressed in Sections 7.2 and 7.3 above will be subject to corrective action, up to and including immediate termination. Applicants who violate this policy will be ineligible for employment with the Company.

7.5 Potential Forfeiture of Workers' Compensation and/or Unemployment Compensation Benefits: For purposes of this policy violations of DOT's and FMCSA's regulations and/or the requirements of this policy constitute gross and willful misconduct. In addition to the corrective action and other consequences imposed by DOT, FMCSA and the Company under this policy, such gross and willful misconduct may also result in the denial of unemployment compensation under applicable state law. In addition, drivers who are injured as a result of a violation of DOT-s or FMCSA's regulations and/or the Company's safety rules (including but not limited to the conduct prohibited under this policy) may also forfeit workers' compensation benefits under applicable state law.

8.0 NOTIFICATION OF TEST RESULTS

Applicants will be notified of the results of a pre-employment drug test, if the applicant requests his/her test results within 60 days of being notified of the disposition of the employment application. Drivers will be advised of drug test results that are verified positive and the drug or drug(s) for which a positive result was verified. Drivers will be notified of the results of their alcohol tests immediately after the administration of the screening test and, if necessary, the confirmatory test.

9.0 TESTING EXPENSES AND COMPENSATION FOR TESTS

The Company will pay for drug and alcohol tests and related expenses as follows:

9.1 All drug and alcohol tests required to be taken by drivers or applicants under this policy, including confirmation tests, but excluding return to duty tests and follow up tests will be paid for by the Company. Any test taken at a driver's or applicant's request will be at the driver's or applicant's expense, unless the result of the test is negative. However, compliance with an applicant's or driver's request for a split-sample test will not be conditioned on the driver's or applicant's direct payment to the MRO or laboratory or the driver's or applicant's agreement to reimburse the Company for the costs of testing.

9.2 All time spent by drivers providing a specimen required under this policy, including travel time to and from the collection site, will be considered as on-duty time.

10.0 RECORDKEEPING, ACCESS TO RECORDS AND CONFIDENTIALITY OF TEST RESULTS

10.1 The Company will maintain records related to its drug and alcohol-testing program as required by the DOT's and FMCSA's regulations. These records will be maintained in a secure location with controlled access and will not be released to any person except as required by law or expressly authorized by the driver.

10.2 The laboratory may disclose drug test results only to the MRO. The MRO, STT and BAT may disclose test results only to the individual tested, the Program Administrator, a treatment program, or a court of law or administrative tribunal to the extent required by law. Beyond that, a driver's test results shall not be released to any person without the individual's written consent.

11.0 INSPECTIONS

11.1 Inspections Of Company Property: The Company may conduct unannounced random inspections for drugs and alcohol on Company facilities and property such as, but not limited to company vehicles, desks, file cabinets, and Company-issued employee lockers. Drivers are expected to cooperate in the conduct of such inspections. Inspections of Company facilities and property may be conducted at any time and need not be based on reasonable suspicion.

11.2 Inspections Of Driver Property: Inspections of drivers and their personal property such as, but not limited to, vehicles, clothing, packages, purses, brief cases, lunch boxes, or other containers brought onto or being taken off of Company premises may be conducted when there



is reasonable suspicion to believe that the driver may have or has violated the drug or alcohol prohibitions contained in this policy.

12.0 EMPLOYEE ASSISTANCE AND REFERRAL

As part of the Company's commitment to provide a safe, healthy and efficient working environment for our employees, we offer employees information and referrals through our health insurance provider. We provide information concerning the effects and consequences of alcohol and drug use on an individual's health, work, and personal life and the signs and symptoms of an alcohol or drug problem. In addition, our health insurance provider offers referral services to drivers and their families seeking help with problems resulting from alcohol misuse and drug use. Participation in this program is voluntary and confidential. Our health insurance provider can discuss available counseling, treatment and rehabilitation programs, fiscal responsibilities, and can help the employee decide what program might be best for his or her situation.

Employee Name:

Signature:

Date:

Employee Screening for Exclusion Policy (LEIE, EPLS, & Medichex)

Divine Care Services Limited Liability Company (MTL) shall screen all employees, contractors, vendors, service providers and entities directly associated with MTL for exclusion before employing and/or contracting with them. If hired, they shall be re-screened on an ongoing monthly basis to determine if they have been excluded. MTL shall check the Medichex list, OIG LEIE and GSA EPLS monthly as well as any state Medicaid exclusion databases for any other state appearing on the individuals resume for exclusion.

MTL shall report any discovered exclusion of an employee or contractor or an individual entity to the bureau of program integrity. MTL shall develop and maintain auditable documentation of



screening efforts including the dates the screenings were performed and the source data checked and its dates of most recent updates. MTL shall periodically conduct self-audits to determine compliance with screening for exclusion requirements

Divine Care Services Limited Liability Company shall use the database contained in MAB 99-11-05 for exclusion screening.

Definitions

LEIE - - - List of excluded individuals and entities, Excluded individuals/Entities

GSA - - - General Services Administration

EPLS - - - Excluded Parties List System

DPW - - - Department of Public Welfare

OIG - - - Office of inspector General

MA - - - Medical Assistance



Fleet Safety Program

Policy DIVINE CARE SERVICES LIMITED LIABILITY COMPANY is committed to instituting and maintaining a Fleet Safety Program. The goal of the Fleet Safety Program is to take the proper steps to prevent loss of life, injury, or property damage to all employees and members of the general public. DIVINE CARE SERVICES LIMITED LIABILITY COMPANY recognizes that the responsibilities for safety and loss prevention must be shared by everyone.

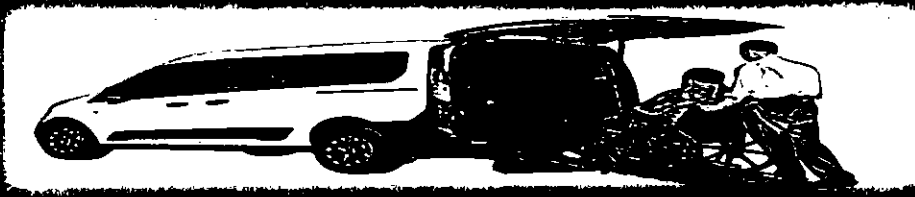
Responsibilities

1. Management

- Assume responsibility for the driving record of employees while they are on duty.
- Frequently check for compliance of the established requirements and policies in which all personnel are required to adhere to.
- Personally, review the decisions on accidents and take all steps necessary to prevent a recurrence.
- Establish and adhere to policies on corrective actions in accordance with the policy regarding actions that will be taken to help the employees, who show a repeated disregard for good driving practices, to improve...
- Insist that all assigned vehicles are maintained adequately for safe operation.
- Establish periodic inspection of assigned vehicles for safety discrepancies, malfunctions, and signs of abuse, unreported damage and cleanliness. Have repairs made as soon as possible.
- Fully support the Divine care Services Limited Liability Company driver training program to promote defensive driving.
- Review each preventable vehicle accident and unsafe driving report with the employee and his supervisor to emphasize management's support of responsibility behind the wheel.
- Establish an aggressive campaign to enforce the wearing of seat belts on all trips.

2. Supervisors

- Insure that employees do not drive any DIVINE CARE SERVICES LIMITED LIABILITY COMPANY vehicle unless they have a VALID Drivers' License and are familiar with DIVINE CARE SERVICES LIMITED LIABILITY COMPANY driving rules and regulations.
- Insure that only authorized personnel will be allowed to operate DIVINE CARE SERVICES LIMITED LIABILITY COMPANY vehicles, special purpose vehicles.
- Must be alert in observing unsafe practice of employees and insure that action is taken immediately to correct the driver.



- Review all preventable vehicle collisions with employees at Safety Meetings and discuss each unsafe act that was responsible.
- Periodically ride with the van drivers to check for compliance with operating instructions and traffic regulations.
- Insure that unsafe vehicles are not driven until safety discrepancies have been corrected.
- Insure that vehicle inspections are done each day and any issues are resolved

3. Employees

Employees who drive DIVINE CARE SERVICES LIMITED LIABILITY COMPANY vehicles are responsible for following all of the guidelines set forth in the Fleet Safety Program. These responsibilities include:

- Safe operation of vehicles and for the safety of passengers.
- Having a valid driver's license in their possession
- Inspecting the vehicle which they are about to drive, in accordance with established policies and D.O.T Regulations
- Reporting any vehicle accidents

4. Safety / Loss Control Officer

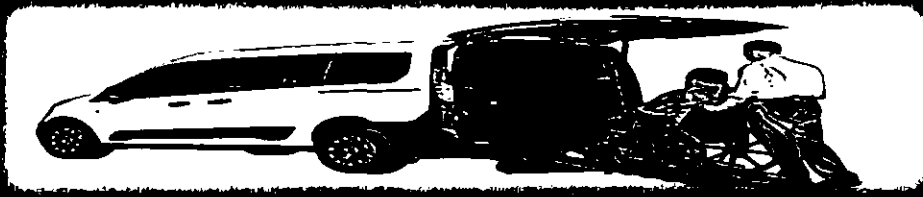
The Safety/Loss Control Officer will be in charge of implementing the policies the Fleet Safety Program. Responsibilities will include:

- Monitoring the driving experience of employees who operate entity vehicles.
- Be sure proper maintenance procedures are being followed to keep vehicles in a safe operating condition.
- Verify that adequate insurance limits are maintained by drivers who use their personal vehicle for entity business.
- Insure compliance with all D.O.T. Regulations.

5. Vehicle Operator Responsibilities

The driver is responsible for checking the safety and general condition of the vehicle, including gas, oil, and other fluid levels, lights, and brakes. With the assistance of the supervisors will furnish vehicles with inspection checklists that comply with D.O.T. Regulations if there is something wrong with the vehicle, which may affect safety, repairs will be made before use.

1. **Vehicle Abuse:** No employee will use a vehicle or equipment for any purpose for which it was not designed, operate it beyond its designed limits, and operate it in areas or locations for which it was not designed, or cause damage through neglect, misuse, improper driving techniques, or improper handling.



2. **Transporting Employees in DIVINE CARE SERVICES LIMITED LIABILITY COMPANY:** vehicles No more than (Two) employees will ride in the front seat or cab of a vehicle. Each position will be equipped with a seat belt, and each person will use the seat belt provided. No employee will be authorized to ride or work from the bed or rear of a vehicle while it is in motion.

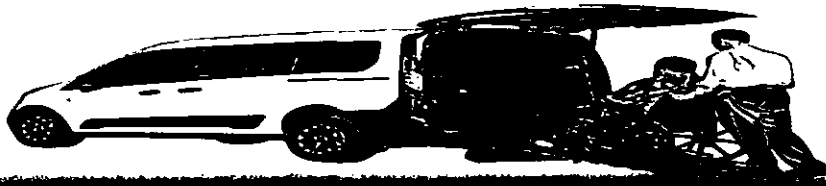
3. **Traffic Laws: Employees:** will adhere to all traffic laws and regulations when operating DIVINE CARE SERVICES LIMITED LIABILITY COMPANY vehicles. An employee will at all times operate DIVINE CARE SERVICES LIMITED LIABILITY COMPANY vehicles in such a manner as to avoid injury to persons or damage to property.

4. **Unauthorized Use of Vehicles: DIVINE CARE SERVICES LIMITED LIABILITY COMPANY** vehicles are to be used for DIVINE CARE SERVICES LIMITED LIABILITY COMPANY business only. Persons found using DIVINE CARE SERVICES LIMITED LIABILITY COMPANY vehicles for their personal errands may be subject to corrective action up to and including termination

5. **Operation and Occupancy of Entity Vehicle by Unauthorized Persons:** Employees will *not permit unauthorized employees or non-employees of DIVINE CARE SERVICES LIMITED LIABILITY COMPANY* to ride in (Company) vehicles, except when such persons are conveyed in the performance of duty or authorized to ride by supervisory staff.

6. **Parking Vehicles** All employees will park their vehicles in a legal and proper manner. Employees will remove the keys and lock the vehicles, except when specifically instructed otherwise. Employees will not park on the wrong side of a street or highway, unless it is mandatory to park in such a location to perform a job. All signs, cones, lights, and warning devices as required by law will be used when vehicles are parked or in use in a public travel lane. Employees will use all safety brakes, lockout devices, and other parking safety methods when parking equipment.

7. **Use of Personal Vehicles for DIVINE CARE SERVICES LIMITED LIABILITY COMPANY Business:** Supervisors will identify and authorize those employees who are required, as part of their normal job duties to use their personal vehicle to conduct DIVINE CARE SERVICES LIMITED LIABILITY COMPANY business. The employee's own insurance policy is the primary coverage and, therefore, DIVINE CARE SERVICES LIMITED LIABILITY COMPANY will not be responsible for any claims that arise out of any motor vehicle accident that the employee is involved while operating



their personal vehicle. The mileage reimbursement the employee receives is intended to fully cover all costs of the operation of the employee's personal vehicle including but not limited to fuel, maintenance, repairs, insurance, etc.

8. **Transporting Equipment:** Employees using DIVINE CARE SERVICES LIMITED LIABILITY COMPANY vehicles will exercise caution when transporting equipment, packages or other materials in the driver/passenger compartment that would become flying projectiles in the event of an accident. Such items as briefcases, laptop computers, tools, etc. need to be transported in the trunk of passenger vehicles. Pickups, whether standard cab or extended, should have secured storage capabilities; the bed of the vehicle such as tool storage or camper shells if they are used with any regularity in the transport of items that could injure the driver or passenger(s) in the event of an accident. Vans used in the regular transport of such items should have screen type barriers between such cargo and the driver/passenger compartment. It is always important to keep the driver/passenger as free as possible of objects that could distract their attention or could cause from unexpected movement.

Driver Selection

DIVINE CARE SERVICES LIMITED LIABILITY COMPANY believes knowing the ability, experience and attitude of drivers is a key factor in the selection process. An important area in this process is to establish qualification standards for new employees and existing employees that have driving duties. To enforce these standards, DIVINE CARE SERVICES LIMITED LIABILITY COMPANY has implemented the following driver qualification procedures.

1. Driver Age Requirements

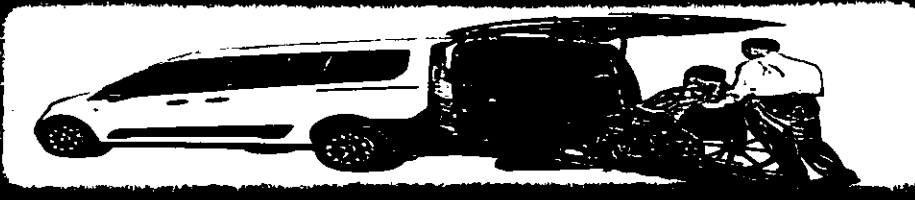
Minimum age is 23 years old.

2. Application for Employment

All driver applicants shall complete an Application for employment and Driving Position Supplement containing all of the information required for positions in which driving is required. Divine Care Services Limited Liability Company's hiring standards also require that driver applicants list all former employers for the past (10) years. Any gaps in employment must be satisfactorily accounted for on the application.

3. License: DIVINE CARE SERVICES LIMITED LIABILITY COMPANY will obtain a legible copy of the license of all driver applicants. A review of the license will be conducted to be certain it is valid, has not expired, and is the appropriate for the class of vehicles in which driving is required.

Whenever driving DIVINE CARE SERVICES LIMITED LIABILITY COMPANY vehicles or operating their personal vehicle for company business, employees must have in their possession



a valid driver's license. Employees will notify their supervisor if their license is suspended, revoked, or expired.

Employees, who drive DIVINE CARE SERVICES LIMITED LIABILITY COMPANY vehicles, will comply with the D.O.T. requirements for medical examinations and license renewal

Supervisors will maintain a system that insures all employees operating vehicles have the proper class of license and current Medical card and check for current status at frequent intervals.

4. MVR Check and Evaluation

DIVINE CARE SERVICES LIMITED LIABILITY COMPANY will request a MVR for driver applicants being considered for employment in which driving entity vehicles or operating their own vehicle for entity business will be required. A MVR will be requested from every state the applicant has lived in during the past (5) years. Copies from the applicant will not be accepted. The Safety/Loss Control Officer will review all MVR information to determine if driver applicant meets the qualification standards regarding driving records. A formal review of the driver's MVR will be conducted on a/an annual basis (or more frequently where warranted) to ensure that existing drivers are meeting the established qualification standards. MVRs are personal and confidential and should only be discussed with the driver or other persons authorized to know. The Safety/Loss Control Officer will receive results of the MVR check and any needed corrective action will be applied in a timely manner.

5. Driver Qualification Standards To ensure that potential new and existing drivers meet Divine Care Services Limited Liability Company's qualification standards for motor vehicle records set forth in the Commercial Van Safety Program, the following policies have been instituted regarding:

1. Actions taken based-on the number of points and violations shown from the MVR checks and evaluations.
2. Standards and penalties for drivers involved in preventable accidents. DIVINE CARE SERVICES LIMITED LIABILITY COMPANY has established a point structure system to evaluate potential new and current driver motor vehicle records. If a driver meets or exceeds (8) points total within the previous (3) years or exhibits a pattern of continued violations, he/she will not be eligible to drive (a/an DIVINE CARE SERVICES LIMITED LIABILITY COMPANY vehicle. If the MVR reveals (6 points) then the driver must complete a state approved driver program to reduce the points prior to being hired. No potential new or existing driver will be allowed to drive (a/an) DIVINE CARE SERVICES LIMITED LIABILITY COMPANY vehicle or other vehicle on DIVINE CARE SERVICES LIMITED LIABILITY COMPANY business if there MVR reveals: (Hit and Run, Felony, Homicide, Manslaughter involving a motor vehicle or DUI) the applicant or current employee will be



disqualified from driving for the company. Each employee or applicant involved in a preventable, at fault vehicular accident, whether it involves the public or not, will be required to: (Supply the police report for said accident) An employee who receives any moving violation must notify his/her supervisor of the incident by the close of business on the day he receives the violation. Any corrective action will be evaluated based on the type and severity of the incident.

6. Investigation of Previous Employment

DIVINE CARE SERVICES LIMITED LIABILITY COMPANY will contact all former and current employers of the driver applicant for the previous (3) years to verify as much of the following information as possible using the D.O.T. Safety Performance History Records Request form (391.23)

- Dates of employment
- Type of work performed
- Type of vehicle(s) operated
- Extent of driving experience
- Vehicle accident record
- Overall work history and performance

All former and current employer information gathered from the inquiries must be in writing and will be retained in the driver's qualification file (if hired). In the event a former or current employer refuses to release information, a note stating this will be placed in the file. The Safety/ Loss Control Officer will review all former and current employer information to determine if the driver applicant meets the hiring standards regarding past and current employment, and to determine if the applicant was truthful about information listed on the employment application.

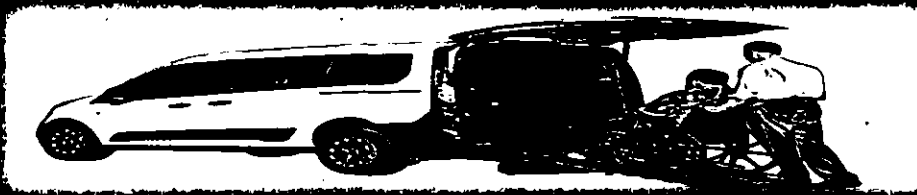
7. Driver Performance

Divine Care Services Limited Liability Company requires all driver applicants who will require a valid license for their driving position to successfully complete a road test examination conducted by (Designated Qualified person) prior to an offer of employment. The road test examination shall be performed in the type of vehicle the driver will operate. Performance will be monitored during the selection process as well as at periodic intervals throughout the driver's career using information obtained from motor vehicle records and file data.

8. Driver Qualification File

The driver selection process includes developing a driver qualification file. Elements of this file will include such items as:

- Employment Application



- Copy of Driver's License
- MVR checks (original stays in the file for the duration)
- Copy of Current Medical card
- Prior Employer Safety Performance History Records Request (past 3 years)
- Certification of Compliance of 29
- Driver Statement of on Duty Hours & Other Compensated Work
- Drug & Alcohol Records Request (previous employer)
- Post-Accident Testing Procedure
- Driver Authorization (Release of Post-Accident documents)
- Driver Drug Screen Consent Form
- Employee Previous Alcohol and Drug Testing Statement
- Three Years of Annual driver Reviews
- Request for Check of Driving Record
- Entry Level Driver Training documentation (drivers with less than 3 years driving experience; minimum driving experience: 2 years)
- Receipt of driver handbook
- Receipt of Drug Company Policy
- Map reading training: DIVINE CARE SERVICES LIMITED LIABILITY COMPANY will conduct a Map reading training for all new Drivers. At the end of the training, Drivers will take a test.

Driver Training and Reviews

Divine Care Services Limited Liability Company's goal is to have a process in place to hire only qualified and safe drivers. Once on board, DIVINE CARE SERVICES LIMITED LIABILITY COMPANY is committed to retaining these drivers. In order to keep drivers and supervisors well trained and informed, DIVINE CARE SERVICES LIMITED LIABILITY COMPANY has instituted a number of policies regarding driver training. These policies include driver orientation, periodic driver meetings, and driver performance evaluation and reviews.

1. Driver Orientation: DIVINE CARE SERVICES LIMITED LIABILITY COMPANY has an orientation program which all new drivers are required to complete. The orientation program consists of comprehensive classroom training that will cover a variety of subjects. Among the topics are established driving policies and procedures, regulatory compliance, vehicle maintenance and inspections, accident reporting procedures, wheel chair securement, CPR, and defensive driving procedures. After successfully completing the classroom portion of the orientation, all new drivers will be assigned to a driver trainer. The purpose is to evaluate the new employee's overall driving skills and techniques, and to apply what has been learned in classroom to an actual job situation. This time should also be used to familiarize the new driver with paperwork procedures relating to vehicle maintenance and inspections and to answer any questions or concerns that were not addressed in the classroom training.



2. Driver Meetings: Every Month, a drivers' meeting will be conducted by driver supervisors. These meetings between supervisors and drivers are held to share news and information, and to give our drivers a forum to discuss issues, questions, or concerns. All drivers are expected to participate in these meetings, and all driver input is welcomed and appreciated.

3. Driver Evaluation and Performance: Reviews Driver supervisors are responsible for conducting a periodic, structured performance review with each of their drivers a minimum of every (12) months. It is important for DIVINE CARE SERVICES LIMITED LIABILITY COMPANY drivers to understand that their performance will be evaluated on an on-going basis, and they may request, or their supervisor may recommend, a review at any time. However, all drivers will receive periodic structured reviews of their individual performance.

4. On Road Performance Evaluation: The on-road evaluation is conducted by the supervisor to monitor the performance of current drivers by riding with them or following them. The supervisor should document the results and counsel drivers concerning problems or deficiencies that were observed. Also, all DIVINE CARE SERVICES LIMITED LIABILITY COMPANY Vans are equipped with live video camera which allows the supervisor to record from his office the Driver performance. Those are the best ways for the supervisor to ensure that the driver is following the proper vehicle inspection and defensive driving procedures.

5. Performance Review: Driver performance reviews should be held in private and away from the operation area. The review is considered the driver's time and interruptions should not be allowed. The actual driver performance review should cover, but is not limited to, five basic areas. These are:

- a. The measurement of the driver's actual results against established goals and standards of the company (especially in the safe securement of wheel chair).
- b. Recognition of the driver's contributions and accomplishments.
- c. Correction of any new or existing performance problems.
- d. Establishment of goals or standards for the next review period.
- e. Review of Driver's MVR

Once the driver and his/her supervisor have concluded their discussion of past performance; addressed any development, training, or corrective action needs; and have established new goals and standards for the future, they are expected to reach mutual agreement and wrap up the review. The wrap-up should include the following:

- a. A positive summary of the performance review discussion including all mutually agreed upon plans and goals.
- b. An opportunity for the driver to react, asks questions, and gives additional ideas and suggestions.



c. A sincere and meaningful expression of appreciation for the driver's participation, time, and efforts.

d. A written record of what was discussed, agreed upon, and corrective action/training plans.

6. Recordkeeping: A copy of the written performance review and MVR check shall be given to the driver, the supervisor's immediate manager, and the original placed in the driver's personnel file.

Accident Investigation

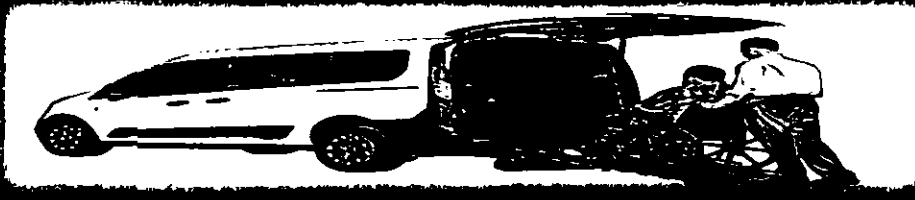
Divine Care Services Limited Liability Company's policy is to fully investigate any accident involving DIVINE CARE SERVICES LIMITED LIABILITY COMPANY personnel and vehicles. All accidents involving DIVINE CARE SERVICES LIMITED LIABILITY COMPANY vehicle regardless of the severity must be reported immediately. The investigation of minor accidents involving DIVINE CARE SERVICES LIMITED LIABILITY COMPANY property only is the responsibility of the driver and supervisor only. The Safety/Loss Control Officer will be in charge of the investigation of accidents in which serious property damage or death to (a/an) DIVINE CARE SERVICES LIMITED LIABILITY COMPANY employee has occurred. The Safety/Loss Control Officer will also be in charge of accident investigations in which a third party is involved. Management may initiate any other investigations deemed appropriate.

1. Accident Investigators At the scene, the accident investigator(s) will carefully survey the scene, noting the position of any debris from the accident. The investigator(s) should take photos of the scene, with careful notes of what the photos depict. A map of the site should be drawn to scale, with any landmarks near the scene noted as to position. Photos of all vehicle and property damages incurred from accident should be taken from all sides, with careful notes made. The more accurate the information provided is, the easier it is when it comes to canvassing the accident scene. It is important that the accident investigator(s) be as objective as possible in gathering and evaluating data from the accident scene.

2. Driver Responsibility in Accident Investigation Certain driver responsibilities must be carried out at the scene of an accident. Two main concerns at the scene of an accident are to deal with immediate problems and to gather and report pertinent accident information promptly. These two items can be broken down into a 6-step accident procedure for drivers to follow.

Step 1: Stop, stay calm

Step 2: Turn on your emergency flashers as an immediate warning signal. Then do a quick evaluation of accident victims, if any, and provide assistance. Next, set out emergency warning devices on the roadway.



Step 3: Either contact local law enforcement personnel and your supervisor yourself or arrange to have someone do it for you. Be courteous and cooperative when providing information to authorities. Never admit guilt or liability at the scene of an accident. Never leave the scene of an accident.

Step 4: Write down names, license numbers and other information regarding the accident and those people involved in it. Draw a simple diagram of the accident scene. The more detail you can provide, the better it will be for insurance and/or legal purposes later. If you have camera for use at the accident scene, document the situation with photographs from various angles. (Once the police arrive, they most likely will not allow the exchange of information)

Step 5: After the vehicle has been secured, warning devices put in place, assistance rendered to injured person(s) (if any), and law enforcement personnel contacted, you (the driver) should communicate the accident to your supervisor.

Step 6: Complete Vehicle Accident Report Form at the scene of the accident.

Vehicle Accident Review

The Safety/Loss Control will review all vehicle accidents to determine the true cause and whether it was preventable or non-preventable. A preventable collision is one in which the driver failed to do all that could be reasonably expected of them to avoid the collision. The functions of the Committee in reviewing vehicle collisions are as follows:

1. Convene as soon as possible after a collision involving a DIVINE CARE SERVICES LIMITED LIABILITY COMPANY vehicle to objectively consider the evidence presented. This evidence includes any information given by the driver, his or her supervisor and the police report of the accident. These same rules also apply to any employee officially authorized to drive his or her personal cars on official DIVINE CARE SERVICES LIMITED LIABILITY COMPANY business.
2. Determine the true cause of the collision and whether it was preventable or non-preventable.
3. Review the driver's past driving record.
4. Report in writing to Management the Committee's findings, and the recommendations for corrective action.
5. In the case of a preventable ruling, schedule a personal one-to-one meeting with the driver to discuss the decision, possible remedial training, and/or possible corrective action. This meeting will be scheduled as soon as possible after the preventability determination has been made.

Vehicle Selection



It is important to ensure that vehicles selected for a specific function are adequate in design and capability for the intended purpose. It is the responsibility of each driver to select the appropriate vehicle to be used in performing tasks.

Vehicle Maintenance

It is the policy of DIVINE CARE SERVICES LIMITED LIABILITY COMPANY to keep all vehicles well maintained and in safe and efficient operating condition at all times. The specifics of that approach will be detailed in the procedures to follow. A good preventive maintenance program lowers repair frequency and lowers overall maintenance cost. The service portion of Preventive Maintenance is actually scheduled maintenance. DIVINE CARE SERVICES LIMITED LIABILITY COMPANY vehicles will be given Preventive Maintenance according to the current Ryder fleet maintenance schedule.

Vehicle Inspections

DIVINE CARE SERVICES LIMITED LIABILITY COMPANY is committed to following a strong daily inspection program. All vehicles are to be inspected every day they are operated.

1. Driver Pre-trip Inspection: Each driver must be satisfied that his/her assigned vehicle is in proper working condition prior to operating. The driver will also review the last completed Driver's Vehicle Inspection Report to verify that any needed repairs were made to the vehicle. *If the defects noted were not acknowledged by an authorized signature, the driver shall not drive the vehicle until the defects are handled appropriately.*

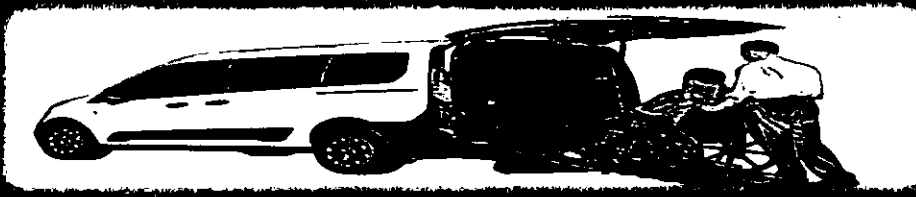
When a driver reports safety related problems or vehicle damage, the vehicle inspection report should be submitted to his/her Supervisor. The Supervisor will sign the report indicating that repairs have been made (or are not required to be made). The original inspection report and certification of repairs will be retained in the Vehicle Maintenance File. The original inspection reports on which no defects were noted and on which defects were noted, and the certification of repairs, will be retained in the Vehicle Maintenance File.

Driver On-The-Road Inspections

Once on the road, driver must examine any wheel chair securing devices and make any necessary adjustments. If a problem is found, the driver will notify his/her supervisor and either have the necessary repairs or adjustments made prior to operating the vehicle, or safely travel to the nearest repair facility.

Vehicle Maintenance File

A complete record on each vehicle in the fleet will be kept by the Mechanic. It will include basic vehicle information and information indicating the nature and due date of any inspection and maintenance operations to be performed on the vehicle, and a record of any inspections, repairs



and maintenance performed on the vehicle in question, including dates performed and specifics on the nature of the operations.

Vehicle Breakdown

Driver's responsibilities when a breakdown happens include: Safely stopping and securing the vehicle, and the passengers.

- Safely placing the warning devices,
- Diagnosing and calling in the breakdown to his/her Supervisor. The Supervisor's responsibilities when a breakdown occurs include: Determining the nature of the breakdown and best course of action
- Locating, contacting, and dispatching a vendor to facilitate repairs
- Obtaining all vehicle repair records

MVR Check and Point Structure System

Point Structure Automatic Disqualification to operate an entity vehicle No potential new or current employee will allowed to drive a company vehicle (including personal vehicle) for entity business if his/her MVR reveals:

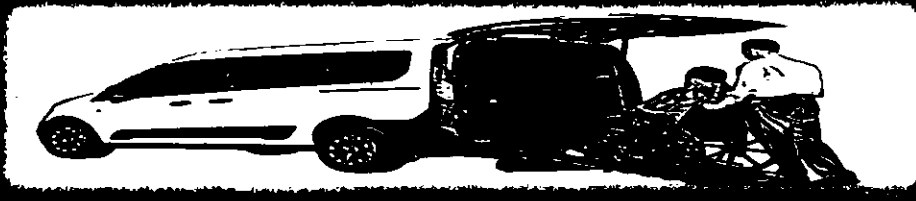
- Murder or assault with a motor
- Theft of a vehicle
- Hit and run
- Negligent homicide
- An alcohol related offense in the last 3 years
- Illegal drug offense in the last 3 years

7-point offenses:

- DWI, DUI, owl (alcohol or drugs)
- Reckless driving resulting in bodily injury or property damage
- Fleeing a police official
- Leaving the scene of an accident
- Driving with a suspended/cancelled/revoked license
- Racing on public road

4-point offenses:

- Speed in excess of 15 mph over posted speed limit
- Failing to stop for a school bus
- Failing to stop at a railroad crossing
- Second preventable accident



3-point offenses:

- Failure to obey & traffic control device
- Failure to yield right of way
- Speed too fast for conditions
- Following too close
- Careless/Reckless driving
- One preventable accident

1-point offenses:

- Seat belt violations
- Failure to use turn signal
- Improper stop/parking

Defensive Driving Policy

DIVINE CARE SERVICES LIMITED LIABILITY COMPANY is strongly committed to a sound and thorough defensive driving policy. While operating entity vehicles, drivers should always drive in the safest manner possible. Specifically, our drivers must operate entity vehicles in accordance with all provisions of The Commercial Vehicle Safety Program. Full-time and designated part time employees driving DIVINE CARE SERVICES LIMITED LIABILITY COMPANY vehicles shall be required to attend the Defensive Driving Course.

1. Assignments for classes shall be made by the employee's supervisor to insure class quotas are met and to maintain satisfactory work schedules.
2. Frequency of employee attendance of Defensive Driving Courses shall be once per year.
3. New employees required to drive Entity vehicles shall be required to complete the Defensive Driving Course satisfactorily before starting their driving assignment.

The core concepts of defensive driving are:

- Recognize the hazard.
- Understand the defense.
- Act in time.

Defensive Driving Procedures

Intersections: Getting into and out of intersections without an accident is a mark of a good defensive driver. Besides your own skill level, intersections also demand anticipation of the actions of other drivers and taking appropriate evasive action as required.

Backing is an extremely hazardous maneuver. If you are backing with the assistance of a guide, the ultimate responsibility for the safety of the backing maneuver remains with you as the driver.



Front-End Collisions: The primary way to avoid front-end collisions is by maintaining a safe and adequate following distance. You should be prepared for possible obstructions on the roadway, either in plain sight or hidden by curves or the crests of hills. A special situation occurs at night, when speed should be kept to a level that will allow you to stop within the distance illuminated by the headlights of your vehicle.

Rear-End Collisions. As a driver, you risk being struck from behind if you do not maintain an adequate margin of safety in your own following distance. If enough space is not allowed in front of your vehicle, chances go way up that somebody can (and will) impact you from the rear.

Passing: Failure to pass safely indicates faulty judgment on your part as a defensive driver, and failure to consider one or more of the factors that need to be checked:

- Is there enough room ahead?
- Is there adequate space to move back into your lane of traffic after passing?
- Have you signaled your intentions?

Being Passed: As a driver, you must be aware of the actions of other drivers and give way if another driver begins to sideswipe you or to cut you off. A good defensive driver will avoid problems with this kind of accident situation.

Encroaching on Other Traffic Lanes: Observant defensive drivers will not usually get trapped when other drivers change lanes abruptly. In the same manner, entrapment in merging traffic can be successfully avoided by a good defensive driver with a little preplanning and willingness to yield. Blind spots are not valid excuses for this kind of accident - allowances must be made in areas of limited sight distance.

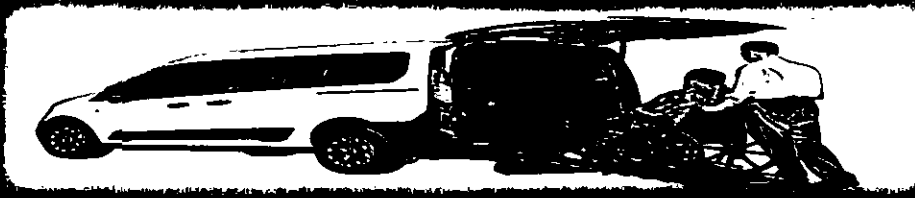
Railroad Grade Crossings: Driving across railroad crossings, or in areas where there are rail vehicles of some sort, demands special care. STOP at all rail crossings and proceed with caution. Careful observance of the traffic situation is your best defense.

Oncoming Traffic: A defensive driver will avoid a collision with an oncoming vehicle at all costs. Even if the vehicle enters your lane of traffic, an accident can be avoided with some evasive maneuvers.

Turning: Turning, like passing, is a dangerous maneuver, and demands special care and an observant eye from you as a defensive driver. You should be aware of other vehicles in your path, and of the complete configuration of the turn you are about to undertake.

Pedestrians. As a sensible defensive driver, always assume that if there is a pedestrian (or bicycle) involved in a situation, slowing down is your best defense. Be certain to give people and bicycles the benefit of the doubt.

Extreme Weather and Road Conditions: Bad weather and other road hazards place special stress upon any defensive driver. The best rule in any kind of bad weather or extreme road condition is

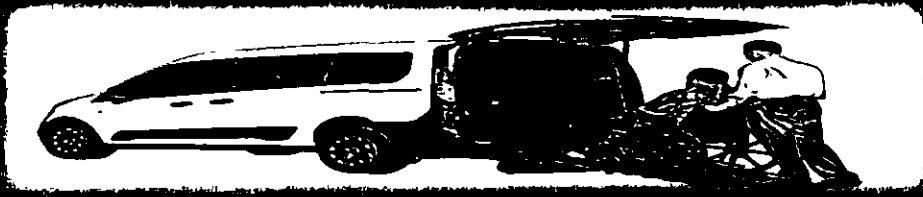


get off the road safely and as soon as possible. If you absolutely must continue, slowing way down and increasing following distance are your best defenses, along with increased awareness.

Fog: Reduces available visibility and impairs distance perception, making it perhaps the most dangerous type of extreme weather condition. Because of this, it is company policy that, whenever possible, drivers are to avoid driving in foggy conditions. Pull off the road and park safely until such time as the fog dissipates or is burned off, if at all possible. If you cannot safely pull off the road, follow these procedures:

- You should never assume the depth or thickness of any fog. Fog can range from a momentary blurring of the windshield to be several miles thick.
- Slow your vehicle's speed. Reduction in speed should be done gradually in order to avoid becoming a hazard for other motorists. Determining a correct and safe speed depends on the thickness of the fog and is left to your best judgment.
- Use low-beam headlights only when driving in fog. Low-beams serve two purposes. They help you see the immediate roadway and also allow other motorists to see your vehicle.
- Avoid the use of high-beam headlights while driving in fog. The water particles that make up fog will reflect more light back at you than onto the roadway when high beams are used and will further reduce visibility for you.
- You should make use of windshield wipers and the defroster when driving in fog. Driving in foggy conditions will cause a constant fine mist of water to develop on the vehicle's windshield, reducing visibility in the process. Using the windshield wipers and defroster will alleviate this condition.
- Avoid passing other vehicles while driving in fog.
- You should avoid stopping on any roadway while driving in foggy conditions unless absolutely necessary. If you must stop, use the emergency or breakdown lane, activate your emergency flashers, turn off the headlights, and follow approved breakdown procedures

Rain: causes roadways to become slippery, especially when it first begins. Roadways become covered with a thin layer of oil and other residues. When rain mixes with this layer, it results in an extremely slippery and dangerous road surface. This condition remains until additional rain can break down and wash away the oily mixture from the pavement. This process can take anywhere from a few minutes to several hours, depending on the severity of the rain. Water on the road surface can also create a potential hazard of hydroplaning. Hydroplaning happens when a thin layer of water separates the vehicle's tires from the road surface. When a vehicle is



hydroplaning, it is literally riding on water. When the tires ride on water, they lose all traction and create an extremely dangerous situation. The faster a vehicle travels on standing water, the greater the chance of hydroplaning. Reducing speed is the best and safest way to avoid hydroplaning. Rain also reduces visibility. Because rain presents these hazards, drivers are expected to adhere to the following procedures when driving in rainy conditions:

- You should slow the vehicle's speed to avoid hydroplaning. Reduction in speed should be done gradually in order to avoid becoming a hazard for other motorists. Determining the correct and safe speed depends on how heavy the rain is and will be left to your best judgment.
- You are expected to increase your following distance from other motorists. Since rain causes the road surface to become slippery, you need to allow for greater stopping distance if the need to stop arises.
- You should make use of windshield wipers and the defroster when driving in rain. Driving in rainy conditions will cause a constant film of water to develop on the vehicle's windshield, reducing visibility in the process. Using the windshield wipers and defroster will alleviate this condition.
- You should avoid passing other vehicles while driving in rain. In addition, you are encouraged to follow other vehicles at a safe distance since vehicles traveling ahead will throw water off the pavement and leave "tracks". Driving in these tracks will give you the best possible traction under rainy conditions.

Snow: Depending on the type and severity, can present a variety of dangerous conditions.

Because of this, the following procedures have been developed for this defensive driving policy:

- Light, powdery snow presents few problems since it is quickly blown off the road surface. However, if there is enough of this type of snow to cover the roadway, it will form a slick, smooth surface. You should reduce speed and increase following distance. Determining the correct speed and safe following distance will be left to your best judgment.
- Heavier, slushy snow can affect vehicle control. If snow becomes hard packed it can cause an ice hazard on the road surface. Again, you should reduce speed and increase following distance. Determining the correct speed and safe following distance will be left to your best judgment.
- All slow such as starting out, steering, backing, and turning should be done smoothly and with extreme care to minimize skids and slides.
- Falling or blowing snow can greatly reduce visibility. In addition, falling and blowing snow can make it hard to see the road, road markings, road signs, and off ramps. If you must continue in snowy conditions, reducing speed and increasing following distance are the best techniques a driver can use to maintain vehicle control.



- As with driving in foggy conditions, the use of high beam headlights while driving in snowy conditions should be avoided at all times. The high-beam "shooting" light will reflect off falling and blowing snow and reflect back at you, further reducing visibility.
- Drivers will also be educated on the dangers of "snow hypnosis". Snow hypnosis occurs when a driver is traveling directly into heavy snow and begins to focus on the falling snow instead of the road ahead. This can cause a hypnotic-like effect on the driver. The danger of snow hypnosis is especially prevalent at night.
- In extreme conditions, chains may be necessary

Ice: All drivers need to be aware of changes in road surface conditions that may affect the vehicle's traction to help; the following procedures for driving on icy roads for this defensive driving policy have been developed:

- As with all extreme weather conditions, if you must continue, the safest techniques to employ are to reduce speed and increase your following distance. But of these two, increasing following distance is by far the most important. Depending on the temperature and road conditions, stopping distance (distance needed to come to a complete stop) on icy roads can increase four to ten times versus stopping from the same speed on a dry road.
- Black Ice" forms when temperatures drop rapidly and any moisture on the road surface freezes into a smooth, almost transparent layer of ice. What makes black ice particularly dangerous is that you may not realize you are on it until it's too late. Determining the correct speed and safe following distance will be left to your best judgment.
- Bridges and overpasses are other areas to which you should give special attention. Ice will tend to form first on bridges and overpasses because cold air circulates both above and below these structures causing the temperature to drop more rapidly than on normal roads. Any moisture on the road surface of a bridge or overpass will freeze quicker and harder than elsewhere on the road. Extreme caution and a reduction in speed should be used while traveling over bridges and overpasses.

Night Driving: All drivers need to be aware of the potential hazards driving at night present.

Road Construction: We realizes that chances are good that from time to time our drivers will be faced with having to drive on roadways that are being repaired or under construction. Road construction presents several hazards. Because of this, our drivers are expected to approach road construction work zones the same way they would any adverse driving situation and follow these procedures:

- You should reduce speed and maintain a safe following distance.
- You should drive at or under all special or reduced posted speed limits while traveling through road construction work zones. Safe following distance will be left to your best judgment.



- You should be constantly aware of your immediate surroundings, anticipate the possible actions of other motorists, and expect sudden stops.
- You should watch for construction workers or vehicles crossing the roadway.
- You should use the lane furthest from a construction zone when possible.
- You should avoid sudden lane changes and use headlights and four-way flashers when traveling through construction zones.

Road Hazards: Drivers should be aware of the potential danger of encountering various types of road hazards including:

- Soft shoulders or severe pavement drop-offs that can cause rollover type accidents.
- Road debris such as tire recaps, metal or lumber can cause severe damage to tires, tire rims, electrical systems, and brake lines. You should be aware of the road ahead to identify potential road debris early and take safe and appropriate avoidance maneuvers.

Underpasses: Hitting a bridge, underpass, or viaduct is a danger you should be constantly aware of.

Physical and Mental Condition: Drivers are expected to manage their physical and mental condition. That especially means keeping a positive attitude when behind the wheel and taking good care of their physical health. Fatigue is an especially dangerous factor to be aware of.

- add extra time in bad weather or poor road conditions,
- add extra following distance if you are being tailgated.

Driving Speed: You should drive consistent with posted speed limits; your speed has to be conformed to city driving speed.

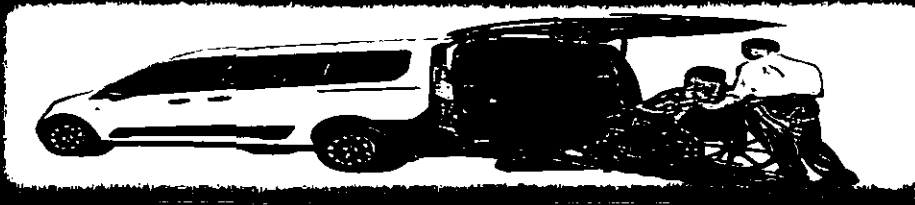
Curves and Turns: The biggest thing to remember in successfully negotiating curves and turns is to slow down. That way you will be able to make any needed adjustments in steering, etc. as required.

Backing: You should avoid backing. Each van is equipped with backing camera to help the driver to back up safely. It is the responsibility of the driver to use it, but this camera will not be the only tool for the driver. You have to scan the area.

Cell Phones: Will not be used unless they are hands free and only then when traffic conditions will allow. Never in heavy traffic. If you get a call let it go to voice message, pull over in a safe area and return the call.

Vehicle Maintenance and Inspection Schedule

1. Routine Service



Every 3000 Miles -Lube-Oil-Filer

Every 5000 Miles -Rotate tires and balance

Every 12,000 miles -Air Filter - PCV Valve -Brake Service -Front-end alignment -Engine tune-up -Transmission Service

Every 20,000 Miles -Shock absorbers - Automatic Transmission drain /refill

Every 36,000 Miles -Differential drain/refill - Wheel bearing package

2. Every 3 months inspect the following: (make required repairs)

- All fan, A/C, power belts
- Radiator, heater, A/C hoses
- A/C, heater system
- Power steering
- Windshield wiper blades and arms
- Doors and windows

3. Every 6 months inspect the following: (make required repairs)

- Alternator/generator
- Battery
- Exhaust system, muffler, converter, tail pipe
- Emission control system
- Ignition system
- Door locks and window mechanisms
- Fuel tank and suspension system

4. Annually inspect and/or conduct the following: (make required repairs)

- Comprehensive engine tune-up and analysis
- Comprehensive steering/brake system evaluation
- Comprehensive body/paint check
- Comprehensive evaluation of emission control system
- Drain, flush, and clean cooling system-refill
- *Electrical wiring*
- Suspension system
- Mechanical linkages
- Interior condition