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October 21, 2015

VIA EMAIL

Matthew T. Smith
Interim Program Manager - Pipeline Safety
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

In Re: Mt. Carmel Public Utility Co. Drug and Alcohol Plan
Notice of Amendments (NOA #'s 2015-A001-00038 through 2015-A001-00074)

Dear Mr. Smith:

This letter is in regard to yours dated August 19, 2015, regarding the above captioned Notice of Amendments. I apologize for not responding to this letter sooner but I did not become aware of it until October 19, 2015.

Mt. Carmel Public Utility Co., after the audit and subsequent thereto, has purchased a new Plan through the APGA Security and Integrity Foundation. We are in the process of completing the Plan to fit to Mt. Carmel Public Utility Co. We believe that most if not all of the NOA's will be addressed and taken care of in the new Plan. However, we will respond to each of the NOA's as follows:

1. **NOA # 2015-A001-00066 - CFR §199.101**

The address and the name of the employing agency of the Substance Abuse Professional is set forth at page 44, but not the SAP's individual name. The SAP's individual name will be in the Revised Plan.

2. **NOA # 2015-A001-00054 - CFR §40.409**

Mt. Carmel Public Utility Co. will add this provision in its Revised Plan it is working on.

3. **NOA # 2015-A001-00038 - CFR §40.307**

Mt. Carmel Public Utility Co. will amend the Plan to identify the SAP as the person, not the MRO, to establish the frequency of employee follow-up testing after a failed drug test.

4. **NOA # 2015-A001-00072 - CFR §40.307**

The Company will amend the Plan in conformance with the SAP establishing written follow-up testing plan returned to the performance of a covered function.

5. **NOA # 2015-A001-00057 - CFR §40.285**

This section will be more clearly stated in the new Plan.

6. **NOA # 2015-A001-00068 - CFR §199.209**

The Company does not conduct pre-employment alcohol testing, only pre-employment drug testing. Therefore this NOA is not applicable. (See page 10 of the Plan, Section IV(B). However, there have been occasions where an applicant was sent for pre-employment alcohol testing when they were not required to and should not have been sent. This matter has been addressed with supervisors indicating to them that the pre-employment testing only requires drug testing and not alcohol.

7. **NOA # 2015-A001-00058 - CFR §199.209**

The Company does not conduct pre-employment alcohol testing, only pre-employment drug testing. Therefore this NOA is not applicable. (See page 10 of the Plan, Section IV(B). However, there have been occasions where someone was sent for pre-employment alcohol testing when they were not required to and should not have been sent. This matter has been addressed with supervisors indicating to them that the pre-employment testing only requires drug testing and not alcohol.

8. **NOA # 2015-A001-00063 - CFR §199.209**

The Company does not conduct pre-employment alcohol testing, only pre-employment drug testing. Therefore this NOA is not applicable. (See page 10 of the Plan, Section IV(B). However, there have been occasions where someone was sent for pre-employment alcohol testing when they were not required to and should not have been sent. This matter has been addressed with supervisors indicating to them that the pre-employment testing only requires drug testing and not alcohol.

9. **NOA # 2015-A001-00051 - CFR §40.25**

Mt. Carmel Public Utility Co. will make this provision mandatory and not discretionary in its Revised Plan it is working on.

10. **NOA # 2015-A001-00061 - CFR §40.213**

The Company will add this provision in its Revised Plan it is working on.

11. **NOA # 2015-A001-00074 - CFR §199.239**

The Company will make changes to add the deficient sections as needed in its Revised Plan it is working on.

12. **NOA # 2015-A001-00044 - CFR §199.239**

The Company will address this provision in its Revised Plan it is working on.

13. **NOA # 2015-A001-00040 - CFR §199.243**

The Plan at page 43 states that the employee who engages in misconduct will be provided with information about the resources for referral, evaluation and treatment, including the names, addresses and telephone numbers of the substance abuse professionals and counseling and treatment programs. On page 44 following said language, the SAP's employing agency and address are supplied. The actual name of the SAP is not listed, but the Company for which the SAP works for is listed. Also, at the very first page of the attachments in front of the Plan, it shows the name and telephone number of the entity which the SAP works for. However, the Revised Plan will have this more clearly set forth.

14. **NOA # 2015-A001-00048 - CFR §199.223**

The Company's Plan beginning on page 9 and carried over to page 10 of Section III(B)(1) states as follows: "Any employee who tests positive in or refuses to submit to any drug or alcohol test required under this plan will be immediately removed from the performance of a covered function and will not be eligible to perform any such functions until the employee:"

Section III(B)(2) states as follows: "A covered employee who has engaged in any prohibited conduct in regard to the use of alcohol will not be permitted to perform any covered function unless and until that employee has been released to do so in accordance with the requirements of Section XI of this plan" and which is entitled Employee Assistance, Training and Education. Prohibited conduct would include refusal. However, Company will make efforts to clarify this in its Revised Plan being drafted.

15. **NOA # 2015-A001-00067 - CFR §40.13**

This will be addressed in the Revised Plan.

16. **NOA # 2015-A001-00047 - CFR §40.165**

This matter will be addressed in the Revised Plan.

17. **NOA # 2015-A001-00053 - CFR §40.167**

The Revised Plan will address this matter.

18. **NOA # 2015-A001-00070 - CFR §40.167**

This matter will be addressed in the Revised Plan.

19. **NOA # 2015-A001-00041 - CFR §40.171**

This matter will be addressed in the Revised Plan.

20. **NOA # 2015-A001-00073 - CFR §40.153**

This matter will be addressed in the Revised Plan.

21. **NOA # 2015-A001-00060 - CFR §40.127**
These items will be addressed in the Revised Plan.
22. **NOA # 2015-A001-00062 - CFR §40.123**
These items will be addressed in the Revised Plan.
23. **NOA # 2015-A001-00046 - CFR §40.67**
These items will be addressed in the Revised Plan.
24. **NOA # 2015-A001-00055 - CFR §40.111**
This item will be addressed in the Revised Plan.
25. **NOA # 2015-A001-00071 - CFR §40.99**
This NOA does not appear to state that the plan is in compliance. However, the Revised Plan will include the provisions.
26. **NOA # 2015-A001-00065 - CFR §40.97**
This NOA appears to state that the Plan is in compliance. The revised plan will also include the provision.
27. **NOA # 2015-A001-00042 - CFR §40.15**
This item will be changed in the Revised Plan.
28. **NOA # 2015-A001-00064 - CFR §40.121**
This item will be changed in the Revised Plan.
29. **NOA # 2015-A001-00050 - CFR §40.33**
This item will be changed in the Revised Plan.
30. **NOA # 2015-A001-00056 - CFR §40.281**
This item will be changed in the Revised Plan.
31. **NOA # 2015-A001-00069 - CFR §40.287**
The Plan does state the SAP entity along with its telephone number and address as previously mentioned. However, we will try to make the Revised Plan more clear with the individual who is acting through the counseling entity.
32. **NOA # 2015-A001-00059 - CFR §40.23**
The Company's Plan beginning on page 9 of Section III(B)(1) states as follows: "Any employee who tests positive in or refuses to submit to any drug or alcohol test required under this plan will be immediately removed from the performance of a covered function and will not be eligible to perform any such functions until the employee: . . . "

33. **NOA # 2015-A001-00049 - CFR §40.21**

This item will be included in the Revised Plan.

34. **NOA # 2015-A001-00052 - CFR §199.1**

The Plan on page 3 states that drug and alcohol testing required under the plan will apply to all employees or applicants of Company, all of which are referred to as "Covered Employees."

35. **NOA # 2015-A001-00045 - CFR §199.105**

This item will be addressed in the Revised Plan to have the SAP not the MRO to establish the follow-up testing.

36. **NOA # 2015-A001-00043 - CFR §40.305**

At page 45 of the Plan provides that the Substance Abuse Professional will evaluate the employee for determination if the prescribed rehabilitation program has been complied with, and that the employee would be subject to unannounced follow-up drug or alcohol tests administered by the Company following an employees return to duty. Further, the Plan states that they have to do a return to duty drug and alcohol test, the negative controlled substance test and an alcohol test result indicating alcohol concentration of less than .02.

37. **NOA # 2015-A001-00039 - CFR §40.67**

This item will be addressed in the Revised Plan.

Very truly yours,

KOGER & BRAMLET, P.C.



Eric Bramlet

EB/sg

xc: Valerie Schwing