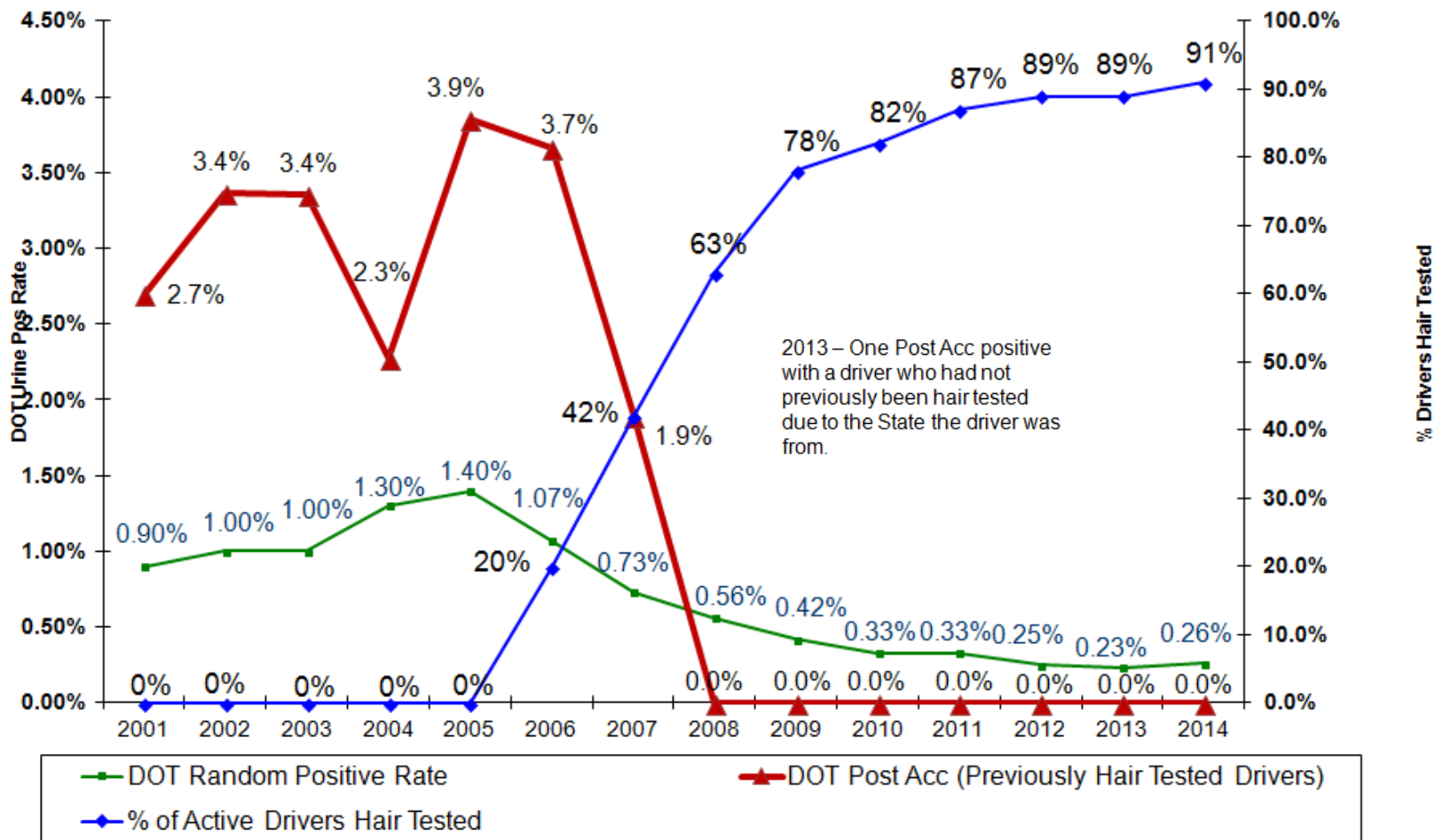


J.B. Hunt's Data Clearly Show That Hair Screening Has All But Eliminated Drug Use As A Factor In Serious Crashes.



2014 Through May



Primary Objections

➤ Hair Color or Racial Bias

ETHNIC GROUP	PASSED	FAILED	TOTAL	PERCENT PASSED	PERCENT OF HIGHEST PASSING RATE (WHITE)
AM. INDIAN	60	3	63	95.24	97.00
ASIAN	122	3	125	97.60	99.40
BLACK	3263	156	3419	95.44	97.20
HAWAII/PAC	21	1	22	95.45	97.21
HISPANIC	992	38	1030	96.31	98.09
MULTIPLE	202	9	211	95.73	97.49
NOT SPECIF	28	1	29	96.55	98.33
WHITE	5053	93	5146	98.19	100
TOTAL	9741	304	10045	96.97	N/A

- The above analysis of J.B. Hunt data was conducted using the same protocol as outlined by the court in the Boston Police case. In the court ruling it was stated that this is also the rule used by the EEOC to determine if any employment practice created a bias for or against one group or another. The data indicates that no such bias exist in the hair testing result data.
- **Even though the effort is to allow voluntary use of hair, it would become the de facto standard.**
 - This would only happen if hair testing can be demonstrated to provide superior results in preventing accidents and injuries.
 - Many trucking companies of all sizes are already performing hair tests in addition to the required urine tests.

Objection: Hair Results Are Not Forensically Defensible

Below is just a small sample of successfully defended cases. Also, a recent court ruling involving the Boston Police Department was favorable for hair testing.

Employment/ Unemployment

Supreme Court of the State of New York in Gregory Hicks et al. v. City of New York et al., Index No.119154 (1999)

New York Supreme Court Appellate Division in Brown v. City of New York, 250 AD2d 546, 673 NYS2d 643, (1998)

New York Supreme Court Appellate Division in Brinson v. Safir, et.al, 680 N. Y.S. 2d 500, 255 A.D. 2d 247, (N. Y.A.D. ,1 Dept. 1998)

Nevada Supreme Court in Nevada Employment Security Department et. al. v. Cynthia Holmes, 914 P .2d 611 (Nev. 1996)

Nevada State Gaming Commission v.. Binion, 1996

State of Ohio Unemployment Compensation Board of Review in Claim of Delbert Otto (Consolidated Biscuit Co.), Case No. B 95-02542-000 (1996)

Bass v. Florida Department of Law Enforcement, (Fla. Dist. Ct. of Appeals 1993), 627 So.2d 1321

Nevada Supreme Court in Holmes v. Hotel San Remo, Nevada Employment Security Department Office of Appeals, Decision No. V3-1403 (June 10, 1993)

United States District Court in Jones et al. v. City of Chicago, Civil Action No.99 C 8201, (N.D. IL, November 28, 2000)

United States District Court in Cruse v. Whirlpool Corp., Civil Action No.99-2129, (U.S.D.C., Dist. AR, June 23, 2000)

Probation/ Parole United States v. Medina. 749 F. Supp. 59 (E.D.N.Y. 1990)

Arbitrations

Hair analysis has been upheld in arbitrations between Anheuser-Busch, Inc. and its unions:

In an October 1999 decision, the collection of body hair for analysis was upheld.

In a July 1999 decision, union claims of improper specimen collection, and age, race and gender bias related to slow hair growth were found to have no merit and the issues were resolved in favor of the Company.

United States Steel, A Division of USX Corp. and United Steelworkers of America, Local 1557 (1999)

US Steelworkers Local 4134 & Lone Star Steel Co., Case No. 022-96 (1997) and Battle Mountain Gold Co. & Operating Engineers Local 3 (1998).

Rodney Pinkerton v. Chemical Lime Co., April 4, 1997

Child Custody

Superior Court, State of California, City of Los Angeles, Case No. BD077286, July 16, 1999.

Custody Hearing, Livonia, Michigan, 1998.

In the Matter of the Adoption of Baby Boy L., 157 Misc. 2d 353, 596 N.Y.S. 2d 997 (1993).

Burgel v. Burgel, 141 A.2d 215, 533 N.Y.S. 2d 735 (1988) or No. 1651E, 1651 AE, New York Superior Court Appellate Division, 1988.

The Marriage of Turner, King County Superior Court, Case No.97-3-00075-4 KNT, Tacoma, Washington.

Effort For Regulatory Change

- The American Trucking Association, with the support of the Alliance for Driver Safety & Security, is actively pursuing the implementation of hair as an acceptable alternate specimen type for DOT mandated pre-employment testing.
- Senate Bill 1625 was sponsored by Senator Pryor (D-AR) and Boozman (R-AR). A House Bill which was introduced by Congressman Crawford (R-AR) contained companion language.
 - Reintroduction of Bills with new Congress.
 - Seeking a Democrat co-sponsor to replace Senator Pryor.
 - Most likely to be incorporated into the Highway Reauthorization Bill.
 - Allow Hair as a voluntary alternative to urine.
 - FMCSA – allow exception until HHS establishes laboratory protocols.
 - Ensure that positive results are submitted to the National Drug Result Clearinghouse once established.
- **HHS – DTAB Update (Parallel tract)**
 - HHS and DTAB (Drug Testing Advisory Board) establish which tests will be allowed under the Federal Workplace Testing Program. HHS (Department of Health and Human Services) oversees the DTAB and establishes testing protocols including laboratories.
 - ODAPC (Office of Drug and Alcohol Policy and Compliance) adopts and establishes protocols for testing of regulated safety sensitive workers in the transportation industry. This office must affect regulatory change to add new testing methods.

Medical Certificate Merge With CDL

- On 12/01/2008 Final Rule published in Federal Register. This rule was effective December 15, 2011.
- The requirement to retain the Medical Certificate in the Driver Qualification File has been extended twice and is currently January 30, 2015. These were the direct result of State Drivers License Agencies not being ready to implement. Some are not ready today.
 - CT, MA, MD, NH, NJ, NY, OR, and UT are not putting the Medical Certification on the MVR.
 - DE – Requires notarized release from driver to get medical on MVR
 - DC – ETA is mid-January
 - HI – no ETA
 - MD – Currently testing
 - NJ – Should have gone live on January 18th
 - OR – no ETA, can request manually and receive a paper copy
 - UT – no ETA, can request manually with a notarized form for each driver and receive a paper copy
 - MT – No electronic. All processes manual.
 - NM – Anticipating completion in March – April 2015.
 - NY – no ETA, LENS (License Event Notification System) does not provide pre-hire Medical. Due to Governor election, all programming put on hold.
 - NH – late 2015
 - Many States are not giving drivers the receipt for turning in their Medical Card as required by regulation.
- States are supposed to have 10 days to enter the medical information from the date of receipt.
- It is required for motor carriers to run a new MVR within 15 days after each physical.

How J.B. Hunt is Minimizing the Impact of the Merge

- We have begun accepting Medical Certificates applicants bring with them to orientation if the date is after May 21, 2014 and there is at least 90 days left on the certification.
- As long as the information on the applicant's MVR matches that on the Medical Certificate, the expiration date for the physical is entered in our system.
- For drivers without a current Medical Certificate or whose information on their MVR does not match the certificate, they will be required to have a new physical and turn their new card into the State in which they are licensed.
- These measures will minimize the expense of running duplicate MVRs on new drivers.
- Managers will be required to ensure the Medical Examiner's Registry number matches on both the Medical Certificate and the National Registry database.

Changes to the Medical Certification Processes

Verify the MVR Information with the Medical Certificate to make sure they match. The example below is for Texas. Other State MVRs may appear differently but should have the same information. If the below items do not match, ask the driver for the Med Cert that matches the MVR.

LICENSE : 02754047 -----
 TYPE: COMMERCIAL
 CLASS : A - COMBINE VEH > 26K W/TRAILER > 10K
 STATUS: VALID
 NOTES : ORIGINAL ISSUE - 06/26/1997
 COMPLETED DRIVER TRAINING COURSE


ISSUED:
 EXPIRE: 06/27/2018

NOTES:
 THIS TYPE OF RECORD WILL REFLECT COMPLETION OF A DRIVING SAFETY COURSE.
 THIS RECORD REFLECTS CONVICTIONS AND CRASH INVOLVEMENTS THAT ARE ALLOWED TO BE DISPLAYED BY LAW.
 REPORT OF APPROVED DRIVER EDUCATION COURSE.

----- MEDICAL CERTIFICATE -----
 STATUS: THE DRIVER IS CE STATE DEFINED STATUS:
 ISSUED: 02/25/2013 RECEIVED BY DMV :
 EXPIRE: 02/25/2015

EXAMINER
 NAME: JOHN DORSETT
 LICENSE: 4890
 REG. #:
 SPECIALITY DESC: CHIROPRACTOR
 STATE DEFINED DESC:

STATE: TX TEXAS
 PHONE: (903)723-1500

SELF CERTIFICATION:
 TYPE : NON-EXCEPTED INTERSTATE 
 EFFECTIVE:

If the driver does not have the Med Cert that matches the MVR, the driver must send their current Med Cert to their license state and get a date stamped receipt to put in the Driver Qualification File. Then on the 13th or 14th day after the receipt date, a new MVR must be run to make sure the data has updated and matches.

Make sure the driver is showing Non-Excepted Interstate. Nothing else is acceptable at J.B. Hunt.

MEDICAL EXAMINER'S CERTIFICATE

I certify that I have examined _____ in accordance with the Federal Motor Carrier Safety Regulations (49 CFR 391.41-391.49) and with knowledge of the driving duties, I find this person is qualified, and, if applicable, only when:

wearing corrective lenses
 wearing hearing aid
 accompanied by a _____ waiver/exemption

driving within an exempt intracity zone (49 CFR 391.62)
 accompanied by a Skill Performance Evaluation Certificate (SPE)
 qualified by operation of 49 CFR 391.64

The information I have provided regarding this physical examination is true and complete. A complete examination form with any attachments embodies my findings completely and correctly, and is on file in my office.

SIGNATURE OF MEDICAL EXAMINER	TELEPHONE	DATE		
MEDICAL EXAMINER'S NAME (PRINT)	<input type="checkbox"/> MD <input type="checkbox"/> DO <input type="checkbox"/> Physician Assistant	<input type="checkbox"/> Chiropractor <input type="checkbox"/> Advanced Practice Nurse <input type="checkbox"/> Other Practitioner		
MEDICAL EXAMINER'S LICENSE OR CERTIFICATE NO./ISSUING STATE	NATIONAL REGISTRY NO.			
SIGNATURE OF DRIVER	INTRASTATE ONLY <input type="checkbox"/> YES <input type="checkbox"/> NO	CDL <input type="checkbox"/> YES <input type="checkbox"/> NO	DRIVER'S LICENSE NO.	STATE
ADDRESS OF DRIVER				
MEDICAL CERTIFICATION EXPIRATION DATE				

Verify the ME who did the physical is the same as the ME on the MVR using the name or Registry ID.

Make sure the expiration dates match. Kentucky is putting a bogus date so you can ignore it. If it shows "Certified" without a date, that is OK at this time.



Thank you.