

CBGA Purpose

As written in Article II of the CBGA Constitution, the purpose and objectives of CBGA are to:

- promote high standards of professionalism
- encourage and increase business for the licensed professional guides of the Texas Coast
- enhance public respect, goodwill, and appreciation for the guide fishing profession
- influence legislative and bureaucratic decisions by the State of Texas and Federal government that affect the sport fishing industry and guide fishing profession
- strive for conservation of our valued coastal marine resources

CBGA has been granted an exemption from federal income taxation under the U. S. Code of Federal Regulations, section 501c6, exemption described as a Business League, Chamber of Commerce, Real Estate Board, or other professional organization. Expenditures shall **'inure to the benefit of the member'**. In other words, the sole purpose of CBGA is to support and provide benefits to the member in his/her individual business.

CBGA **IS NOT** a charitable organization. Contributions received by CBGA are not deductible, by the contributor, as a charitable contribution or donation. The purpose of CBGA **IS NOT** to raise funds for any charitable organization.

CBGA can engage in fundraisers to provide funds for CBGA's operating expenses and programs benefitting the individual member. Members of CBGA should not represent to the public the purpose of CBGA's existence or the purpose of a CBGA fundraiser is to provide funds for charitable organizations.

It is understood, that collectively, CBGA members can provide some limited good works benefitting society as a demonstration of ethical and moral values. Any amounts spent by CBGA on charitable works must be nominal in order to maintain exemption from federal income tax. Therefore, CBGA cannot represent that Saltwater Sweeties is "for the kids".

I have read and understand the description of CBGA's purpose and agree to comply with the provisions as stated:

Member

Date



COASTAL BEND GUIDES ASSOCIATION DRUG AND ALCOHOL POLICY

GENERAL STATEMENT:

The purpose of this policy is to ensure public safety and to maintain a safe and productive work environment for all Coastal Bend Guides Association members by preventing accidents or other dangerous incidents that may result from drug or alcohol use.

The Coastal Bend Guides Association will be known as "CBGA" from this point forward. The United States Coast Guard will be known as "USCG" from this point forward. Regular members licensed by the USCG, whether they be full-time, part-time, year-round, seasonal, or contracted,

will be known as "members" from this point forward.

Members are prohibited from reporting to work under the influence of alcohol or detectable levels of controlled substances. The CBGA strictly prohibits the use, possession, sale of illegal drugs, drug paraphernalia or unsanctioned use of alcohol and prescription drugs while conducting business. Any member that tests positive or has a drug test violation, will be immediately removed from the CBGA website listing and will be reported to the USCG.

All members are required to read this policy then sign and return the acknowledgement page.

The DRUG AND ALCOHOL POLICY ACKNOWLEDGEMENT page will be kept in the member's file as long as they are members of the CBGA.

Note: It is the responsibility of all captains who use deckhands, assistants, or volunteers to maintain their own individual drug and alcohol policy in accordance with 46 CFR Parts 4 and 16 of the USCG Drug and Alcohol Testing requirements.

ADMINISTRATION:

It is hereby established that the hired CBGA secretary will be the official "administrator" of this policy. Information concerning drug and/or alcohol test results, or violations of this policy will be treated as confidential information. Such information will be released only to officers and board of directors who have a need to know. This information will also be provided to the USCG or other federal and state agencies where required by law or regulation. The Management Information System (MIS) report required by the USCG is filed annually, by March 15\ This report is the responsibility of the program administrator and should be submitted via the internet at <http://damis.dot.gov> including all supporting documentation.

All drug testing shall be conducted in accordance with USCG rules and regulations. Specifically, individuals will be tested for the presence of controlled substances (marijuana, cocaine, opiates, amphetamines, phencyclidine (PCP) and alcohol) and will be subject to pre-employment, reasonable cause, random, and post-accident drug testing. Such individuals must TEST NEGATIVE for the presence of controlled substances. Any member that tests positive or has a drug test violation, will be immediately removed from the CBGA website, and reported to the USCG. Positive results are kept for five years, and negative results are kept for one year, as required by DOT- 46 CFR 16.230 and 49 CFR part 40.

Test results or documentation showing the member has been subject to random drug testing shall be provided to that member or their designated representative, upon request by the member. An official letter for participation in a random drug testing program can be provided within three business days of request. Members are provided a random program card, signed by the current CBGA president and crimped with the official CBGA seal. All cards expire annually June first. Any replacement cards will cost \$5 each and can be provided within three business days of request.

DISCIPLINE:

Members found to be in violation of this policy; by either directly possessing or using alcohol or drugs, as described above, through a post accident-verified positive drug test, by court conviction, or by falsifying information; will be subject to immediate termination of membership and reporting to the USCG.

Furthermore, any member who fails to cooperate with the requirements set forth in this policy, including refusal to test, failure to provide a specimen within a reasonable time, failure to report for a scheduled appointment to provide a specimen, adulteration of a specimen, or a positive test result will be subject to disciplinary action by the board of directors which may include termination of membership and reporting to the USCG, as required by DOT- 46 CFR 16.

Members found to test positive will be referred to a Substance Abuse Professional (SAP). The CBGA uses The Council on Alcohol and Drug Abuse with a 24 hours crisis line 1-800-364-3976 that serves 19 counties around the greater Corpus Christi area. A copy of this brochure is included in all new member packets.

PROCEDURE:

Random testing will be done at the expense of CBGA when using a contracted collection facility, currently Concentra Medical Centers, unless otherwise stated in this policy. All member names will be put into each random drawing, 50 % of members will be tested annually. If you are drawn but participate in another random program then documentation or proof of such program will need to be forwarded to the program administrator within 72 hours of notification or request. Documentation or proof of your participation in another program will be kept in your member file until replaced with more current documentation.

Positive tests, refusals, and verified adulterated or substituted specimen cases will be reported to the local area OCMI, U.S. Coast Guard with a copy of the custody and control form as well as a copy of the MRO/lab report as required by DOT- 46 CFR 16.21 and submitted to the board of directors for discipline.

PRE-EMPLOYMENT:

Prospective member must pass a USCG approved drug screen before membership is complete, not merely take the test. This may be waived if you have proof that, within the previous six months, you have passed any USCG required drug test or have been subject to a USCG approved random testing program and have not failed or refused a test, required by DOT- 46 CFR 16.230. Documentation or proof of passed drug screen must be presented with application. Pre-employment drug screen costs are the responsibility of the applicant.

NOTIFICATION FOR RANDOM TESTING:

All random notices will be delivered first by email, then by telephone, and, as a last resort, by certified letter. Members are required to have their random drug screen collected immediately as required by USCG/DOT 46 CFR 16.220. It is the policy of the CBGA to allow up to twenty-four hours from time of notice to time of testing. An email notice must be responded to by the member immediately upon receipt; this electronic record is kept as official documentation as well as the sent email-date and time. Members without email will be first notified by phone, documenting the time and date. Any non-response to notifications will be documented and the next measure attempted. A non-response will not be allowed to go longer than 72 hours before

the next step is taken. A certified letter will be the last attempt; any non-response here will result in documentation of such in member's file and immediate termination of membership.

NOTICE TO CBGA:

Any member going to be out of the state, country, or otherwise unavailable for more than 72 hours at a time must advise the program administrator with the dates you will be gone. Due to the unique circumstances of our association, this option is offered in order to not compromise the integrity of the random part of this policy. Otherwise, if you are drawn, you will be expected to be tested within 24 hours of notification at our testing facilities regardless of where you may be at the time. Any member not following this notification process, when called for a random but is not available will be liable for payment of their test and one chance to make a scheduled appointment. Failure to comply with these drug screening procedures could result in being reported as a "refusal to test". All "refusals to test" must be reported to the USCG-OCMI per section 46 CFR 16.

POST ACCIDENT TESTING:

It is the responsibility and liability of the member to submit to any post-accident testing and report it to the CBGA in a timely manner. A post-accident summary will be reviewed by the board of directors and put into the member's file. Multiple accident reviews could result in termination of membership. See SM/ Addendum for clarification and USCG requirement summary.

TESTING FACILITIES:

Drug screens are collected at Concentra Medical Center, 4025 South Padre Island Drive, Corpus Christi, TX - phone 361-852-8255. Our collection facility has a network of Concentra Med Center locations located throughout the state and can provide services at any of them with proper notice. Specimen collection procedures established by this testing facility follow a chain of custody and control (COC) and meet the requirements set forth by USCG, DOT- 49 CFRpart 40.31. If you need a collection location other than the one listed here then you must notify the program administrator, 361-205-6344.

Drug testing is completed by Advanced Toxicology Network, located at 3560 Air Center Cove #101 in Memphis, TN 38118-phone 888-290-1150 and random draws are conducted by National Diagnostics Inc. (NDI). NDI's corporate address is 6407 Idle wild Rd #211 Charlotte, NC 28212 - phone 704-364-7550, all of our testing companies are networked together and are

DHHS approved laboratories with a designated medical review officer (MRO) that meets the requirements set forth by USCG, 49 CFR part 40.

SMI- ADDENDUM

Serious Marine Incident (SMI) or Post-Accident Drug and Alcohol Testing Requirements

The maritime industry accepts a certain amount of risk in its operations, and from time to time, accidents happen. Once all the emergent concerns have been addressed, the captain must ensure that timely drug and alcohol testing is conducted.

SMI USCG definition

The USCG requires drug and alcohol testing for those directly involved in a SMI. A serious marine incident is defined as:

- One or more fatalities
- An injury to a crew member, passenger, or other person that results in professional medical treatment beyond first aid.
- Property damage in excess of \$100,000.
- Actual or constructive total loss of any inspected vessel.
- Actual or constructive total loss of any self-propelled uninspected vessel
- A discharge of oil into a navigable water way in excess of 10,000 gallons.
- A release of a hazardous substance greater than or equal to its reportable allowable quantity into a navigable water way, whether from casualty or not.

If a captain elects to do testing in the event of an accident that does not rise to the level of a USCG mandated SMI or marine casualty, then the requirements for using a Federal CCF are not required and a non-DOT testing facility may be used.

Procedure for conducting a SMI

-Federal law requires alcohol testing be done within two hours of incident (Section 304 of the Coast Guard Authorization Act of 1998, 46 USC 2303(a)) unless there are safety concerns to address, then up to eight hours is allowed. Failure to comply with the two hour requirement may lead to further action. The only acceptable specimen for alcohol testing is from breath, saliva, or blood. DOT- 49 CFR part 40

-Drug tests must be collected within 32 hours of a SMI and may only be submitted by urine specimen. The DOT 5-panel test is required as well as the chain of custody documentation. Keep copies of all your receipts and signed forms. DOT- 46 CFR 4.06-15

-Post accident testing may be conducted at any hospital with an emergency room. If you feel a hospital isn't close enough to reach in the two hour window then you can set-up an

account with Analytical Testing 361-289-8222 for dockside service or carry your own alcohol testing kit which can be purchased through the CBGA. Please note that if the USCG and or local law enforcement responds to an accident they have alcohol testing capabilities but do not rely on this possibility especially in order to meet the time requirements.

Reporting SMI

Any accident that a captain feels compelled to get tested for or is asked by law enforcement to take a test must submit a report to the local USCG Officer in Charge of Marine Inspections in accordance with 46 CFR 4.06. The form CG-2692b is required to be turned into the OCMI within three days of the SMI or requested test. If there is a casualty, then form CG-2692 will be required also.

DRUG AND ALCOHOL POLICY ACKNOWLEDGEMENT

I, _____ acknowledge that I have read the CBGA Drug and Alcohol Policy, and that I fully understand that violation of this policy can be grounds for

immediate termination of my membership. I also acknowledge the SMI-Addendum explaining requirements for personnel and the procedure for post-accident testing.

Signature _____ Date _____

This acknowledgement must be on file with the Coastal Bend Guides Association.



Coastal Bend Guides Association

PO Box 286 Aransas Pass, Tx 78335

Application for Regular Membership I hereby make application for membership in the Coastal Bend Guides Association, a non-profit organization; composed of professional United States Coast Guard licensed guides as well as businesses which have a direct interest in the strength, vitality, and well being of our natural heritage. The Coastal Bend Guides Association does not discriminate, all USCG licensed captains are eligible and welcome for regular voting membership.

Date _____

Name of individual _____

Company Name _____

Mailing Address _____

City State Zip _____

Cell/Guide Phone _____ Home/Second Phone _____

Email Address _____

Website _____

SS# _____

DOB _____

Registration I1C# _____

Vessel Make/Model/Name _____

Check all that apply to your services for listing on our website:

Offshore Charters _____

Flounder Gigging _____

Scuba Diving _____

Bay/Flats Fishing _____

Fresh Water _____

Birding Trips _____

Wade Fishing _____

Kayak Fishing _____

Nature Trips _____

Fly Fishing _____

Hunting _____

CVS Certified Guide

I have met the requirements for acceptance and am ready to become a member.

Signature of Applicant _____

Sponsor _____

Signature _____

Approved (official signature) _____ Date _____