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Drug and Alcohol Free Workplace Program	Human Resources	June 12, 2017	7.3.4

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SECTION A: Amtrak Drug and Alcohol-Free Workplace Policy

1.0 RESPONSIBILITY

The Vice President of Human Resources is responsible for the interpretation, administration, and approval of any exceptions to this policy.

2.0 PURPOSE

Amtrak is committed to protecting the safety, health and well-being of all employees in the workplace. Amtrak has established a Drug and Alcohol-Free Workplace Program that balances respect for individuals with the need to maintain a safe work environment. This policy defines how Amtrak identifies and corrects alcohol and drug use in the workplace.

3.0 SCOPE

This policy applies to all Amtrak employees, contractors and volunteers as well as applicants who have received a conditional offer of employment. By accepting employment with Amtrak, an employee will be deemed to have consented to drug and/or alcohol testing under applicable federal and state regulations and the Amtrak Drug and Alcohol-Free Workplace Program.

4.0 POLICY

4.1 Prohibitions. The following prohibitions apply to all Amtrak employees, contractors and volunteers whenever they are working on or off Amtrak premises; in company supplied lodging, operating an Amtrak vehicle or piece of equipment (or their own vehicle in furtherance of Amtrak business); commuting on rail pass privileges to and from work; and while wearing an Amtrak uniform or lanyard:

- a) The manufacture, distribution, dispensing, sale, possession, use or presence in the body of illicit drugs or alcohol;
- b) The consumption of alcohol by an employee or contractor who could reasonably expect to be “called to duty” while traveling by train on his or her own time, due to an incident impacting that train’s operations;
- c) The use or possession of alcohol or any controlled substance is prohibited by federal or state regulations, including marijuana, notwithstanding any statute, ordinance, regulation, or other law that legalizes or decriminalizes the use or possession of marijuana, whether for medical, recreational, or other use;
- d) The possession of drug or alcohol paraphernalia or evidence of the consumption of alcohol or drugs, such as opened alcohol bottles or syringes;
- e) The possession of drug test adulterants or specimen substitutions, or any materials or equipment intended to alter the result of a drug or alcohol test;
- f) The reporting for duty or remaining on duty or on Amtrak property when an employee’s ability to work safely is impaired by alcohol, controlled substances or illicit drugs;
- g) The reporting for duty or remaining on duty or on Amtrak property with a blood or breath-alcohol concentration greater than or equal to 0.02%;

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- h) The reporting for duty or remaining on duty or on Amtrak property while exhibiting symptoms of using alcohol, illicit drugs or impairment from prescription medications;
- i) The refusal to cooperate with a drug and/or alcohol testing event or otherwise engaging in conduct that obstructs, manipulates or attempts to interfere with the testing process; or
- j) The refusal to adhere to the Employee Assistance Program (EAP) counselor, Drug and Alcohol Counselor (DAC), or Substance Abuse Professional (SAP)'s recommended treatment or Amtrak's Follow-up testing program.

4.2 Employees Covered by the Hours-of-Service Act:

FRA. The following additional restrictions apply to employees covered by the Hours-of-Service Act, pursuant to 49 CFR Part 219:

- Use of alcohol is prohibited within four (4) hours of reporting for covered service, or after receiving notice to report for covered service (whichever time is less).
- Use of controlled substances at any time, whether on or off duty is prohibited, except where:
 - Such use is prescribed by a healthcare provider who has been informed by the employee of the employee's assigned duties and has determined that the prescribed dosage and timing of doses with respect to work is consistent with the employee's safe performance of his or her assigned duties; and
 - Such controlled substances are used at the prescribed dosage.

FMCSA. The following additional restrictions apply to employees covered by the Hours-of-Service Act, pursuant to 49 CFR Part 382:

- Use of alcohol during the four (4) hours before performing safety-sensitive functions;
- Use of alcohol for up to eight (8) hours following an accident or until the driver undergoes a post-accident test;
- A driver found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall not perform, nor be permitted to perform, safety-sensitive functions until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test.
- All drivers must advise Amtrak of any therapeutic drug use prior to performing a safety-sensitive function by completing the NRPC 3133.

(Refer to Section C: Drug and Alcohol Testing Procedures 2.0 Collection Protocols)

- 4.3 Prescription and Over-the-Counter Medications. All employees and contractors are responsible for ensuring their medical conditions do not interfere with their ability to safely perform their duties. Employees may not report for, or remain on duty, when their alertness, judgment, coordination or cognitive function is adversely affected by any prescribed or over-the-counter medication, including products containing alcohol.
- a) An employee must notify his or her healthcare provider(s) regarding the full scope of assigned duties and all medication usage, including over-the-counter medications, to ensure that the use of all such medication(s) is consistent with the safe performance of the employee's job duties. To determine the effects of a medication, an employee should consult with his or her healthcare provider.

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- b) No employee who performs safety sensitive duties may work when using a controlled substance, or any medication that has the potential to interfere with safe performance of his or her job duties, at any time, whether on duty or off duty, unless:
- 1) The prescribing healthcare provider, or a physician designated by Amtrak, has made a determination, based on clinical evaluation and review of the employee's medical history, and based on review of the employee's assigned duties, that use of the medication by the employee, as prescribed, is consistent with safe performance of the employee's duties;
 - 2) The medication is used at the dosage and frequency prescribed, and that any restrictions on the timing of taking the medication with respect to the employee's work schedule are observed;
 - 3) In the event the employee is being treated by more than one healthcare provider, at least one treating healthcare provider has been informed of all medications authorized or prescribed and has determined that use of all the medications is consistent with safe performance of the employee's duties (and that the employee observes any restrictions imposed with respect to use of the medications in combination);
- c) Employees taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication could potentially interfere with the safe performance of his or her job duties. An employee who performs safety-sensitive duties, must fully disclose the nature of those job duties to his / her healthcare provider. The employee and his or her healthcare provider must complete an Authorization to Work with Medication(s) form (NRPC 3133), and return to Amtrak Medical Services for review.
- 1) Amtrak Medical Services will review the completed NRPC 3133 as expeditiously as possible. Should Medical Services not review and contact the employee with regard to the ability to work with the medication before the employee's next assigned work shift, the employee should proceed with his/her work duties if able to do so, unless advised otherwise by the prescribing healthcare provider.
- d) Amtrak reserves the right to alter or restrict the employee's work duties if it believes that use of a prescription or over-the-counter medication may create a risk of harm to the employee, co-workers, passengers or Amtrak operations.
- e) If an employee is taking any medication and is required to take a drug test, the employee must complete the testing as ordered. Certain prescribed medications may cause a positive laboratory drug test result; however, it is the role of the Medical Review Officer (MRO) to determine whether a legitimate medical explanation exists or whether the test result should be verified as positive. The employee is required to cooperate with any inquiry from the MRO, provide requested documentation and follow the appropriate guidelines outlined below:
- 1) The employee must have a valid prescription written by a healthcare professional with whom the employee is in a doctor-patient relationship. Prescriptions written by the use of telemedicine should be in accordance with applicable federal and state laws as defined by 42 CFR Part 410.78-Telehealth Services.
 - 2) The medication must be the employee's prescription.

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- 3) The medication must be taken for the condition for which it was prescribed and must be taken as prescribed, including dosage, frequency and duration of use (not to exceed 12 months per original prescription).
- 4) The prescription order must be less than 12 months old.
- 5) The employee must return any calls from the MRO within 24-48 hours.

4.4 Business Functions. Employees may consume alcohol at pre-arranged business-related events provided the event:

- Is authorized by the President and CEO, or any Executive Vice President;
- Does not interfere with normal Amtrak business operations; and
- Takes place off Amtrak property.

4.5 Testing. Amtrak retains the right to require testing of employees under applicable federal and state regulations and Amtrak policies.

(Refer to Section B: Amtrak's Drug and Alcohol-Free Workplace Guidelines 5.0 Types of Testing and Section C: Drug and Alcohol Testing Procedures 1.0 Testing)

4.6 Reasonable Suspicion Training. All agreement and non-agreement managers and supervisors must document completion of the Reasonable Suspicion Training Refresher CBT by September 1st of each year in addition to FRA/FMCSA training requirements.

4.7 Notification of Arrest or Conviction. Employees, except for locomotive engineers and conductors, who are arrested, noticed for arraignment or otherwise detained by law enforcement due to a drug or alcohol offense are required to notify Amtrak of such arrest, notice, or detention by calling the Amtrak Helpline. If notification is impractical or impossible due to detention, incarceration or hospitalization, the employee must report within 48 hours of being released from detention, incarceration or from a healthcare facility.

- Certified locomotive engineers or persons seeking initial certification shall report motor vehicle incidents within 48 hours of being convicted for, or completing a state action to cancel, revoke, suspend or deny a motor vehicle driver's license for operating a motor vehicle while under the influence of or impaired by alcohol or a controlled substance.
- Certified conductors or persons seeking initial certification shall report motor vehicle incidents within 48 hours of being convicted for, or completing a state action to cancel, revoke, suspend or deny a motor vehicle driver's license for operating a motor vehicle while under the influence of or impaired by alcohol or a controlled substance.
- Sworn members of Amtrak Police Department should follow APD Operations Guide 320 (OG 320)

(Refer to Section C: Drug and Alcohol Testing Procedures 4.0 Arrests and Convictions)

5.0 VIOLATIONS

Failure to comply with this policy may result in disciplinary action, up to and including termination of employment.

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6.0 EMPLOYEE ASSISTANCE PROGRAM (EAP)

Amtrak's Employee Assistance Program (EAP) is designed to establish programs and services for employees and their dependents to address problems that may interfere with productivity, job performance, safety and quality of life. The EAP provides a host of services related to the prevention, problem identification, treatment referral, monitoring compliance, education, and consultation and offers a consultative service to managers to assist with workplace productivity.

Amtrak offers an EAP Program for employees experiencing work-related or personal problems including alcohol or drug use. Employees are encouraged to seek confidential assistance through the EAP when appropriate. Employees requesting EAP assistance can call 844-Amtrak1 or www.achievesolutions.net/AmtrakEAP.

7.0 DISCLAIMER

Changes to this policy can be made at Amtrak's discretion. Amtrak also expressly states that this policy does not create a contract, promise or contractual right, expressed or implied.

8.0 RELATED POLICIES, GUIDELINES, AND REGULATIONS

- What You Should Know About the Amtrak ® Policy on Prescribed and Over-the Counter(OTC) Medications
- Alcohol and Drug Waiver Agreement(NRPC 2185)
- Prevention Program
- Employee Assistance Program, APIM 7.37
- Employee Property Inspections, APIM 9.11
- Interim Fitness for Duty Assessments, APIM 7.38
- Drug and Alcohol Program Training (Block Training)
- 21 CFR Part 1308 Schedules of Controlled Substances
- 42 CFR Part 2.1 Statutory authority for confidentiality of drug abuse patient records
- 42 CFR Part 410.78-Telehealth Services
- 49 CFR Part 40 - Procedures for Transportation Workplace Drug Testing Programs
- 49 CFR Part 219 – Control of Alcohol and Drug Use
- 49 CFR Part 240 – Qualification and Certification of Locomotive Engineers
- 49 CFR Part 242 – Qualification and Certification of Conductors
- 49 CFR Part 382 – Controlled Substance and Alcohol Use and Testing
- Consent/Release of Drug and Alcohol Information Previous Employer (NRPC 3122)
- Controlled Substances Act, Title 21 United State Code Section 812

For additional information contact the Designated Employer Representative Hotline at (302) 984-4868.

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SECTION B: Amtrak Drug and Alcohol-Free Workplace Guidelines

1.0 SCOPE

The Amtrak Drug and Alcohol-Free Workplace Guidelines (the “Guidelines”) are applicable to all Amtrak employees.

2.0 PURPOSE

The Guidelines supplement the Amtrak Drug and Alcohol-Free Workplace Policy and, among other things, provide further information on alcohol and drug testing, test results, and supervisor / manager responsibility.

3.0 TESTING AUTHORITY

Amtrak conducts drug and alcohol tests pursuant to federal and state statutes as well as Amtrak policy and practice. During a testing event, supervisors must instruct the collector to utilize the appropriate federal or Amtrak testing form(s). This will require visual inspection of the chain of custody and alcohol testing form document to ensure the collection is completed under the correct testing authority.

(Refer to Section C: Drug and Alcohol Testing Procedures 1.0)

4.0 FORMS OF TESTING

Alcohol and drug testing may include tests of an employee’s or applicant’s breath, hair, urine, blood or other bodily fluids or tissue specimens depending on the type of testing event and the testing authority (federal or Amtrak) under which the test is conducted.

5.0 TYPES OF TESTING. DRUG AND ALCOHOL TESTS ARE CONDUCTED UNDER FEDERAL OR AMTRAK AUTHORITY.

5.1 Federal Tests. Covered Service Railroad Personnel are subject to the following tests conducted under federal authority:

- a) Random Testing. Covered service railroad personnel who perform hours of service, Maintenance-of-Way (MOW) duties, and those who operate a Commercial Motor Vehicle (CMV) are subject to random drug and alcohol testing.
 - Random Test Selection. Employees to be tested and the test date are computer generated using appropriate algorithms. Selected employees may be tested at any time during their tour of duty on the designated test date. Cancellations of any testing event must be related to the immediate need to respond to a railroad emergency or a documented medical/family emergency of a selected employee. Unexcused cancellations will be considered a failure to test.
- b) FRA Post-Accident (Toxicological) Test. FRA Post-Accident (toxicological) testing is conducted after any event that includes railroad on-track equipment and involves one or more of the following circumstances:

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- Major Train Accident. Any train accident (i.e., a rail equipment accident involving damage in excess of the current reporting threshold) that involves one or more of the following:
 - a fatality
 - a release of hazardous material lading from railroad equipment accompanied by (a) an evacuation; or (b) a reportable injury resulting from the hazardous material release (e.g., from fire, explosion, inhalation, or skin contact with the material)
 - Damage to railroad property of \$1.5 million or more
- c) Impact Accident. An impact accident (i.e., a rail equipment accident defined as an “impact accident” under §219.5) that involves damage in excess of the current reporting threshold, resulting in:
 - a reportable injury; or
 - damage to railroad property of \$150,000 or more
 - Fatal Train Incident. Any train incident that involves a fatality to any on- duty railroad employee.
 - Passenger Train Accident. Reportable injury to any person in a train accident (i.e., a rail equipment accident involving damage in excess of the current reporting threshold) involving a passenger train.
 - Human-Factor Highway Rail Grade Crossing. Any accident/incident meeting one of the following criteria:
 - Regulated employee interfering with the normal functioning of a grade crossing signal system, in testing or otherwise, without first providing for the safety of highway traffic that depends on the normal functioning of such a system, as prohibited by § 234.209.
 - Train crewmember who was, or who should have been, flagging highway traffic to stop due to an activation failure of a grade crossing system, as provided by § 234.105 I(3).
 - Regulated employee who was performing, or should have been performing, the duties of an appropriately equipped flagger (as defined in § 234.5), but who failed to do so, due to an activation failure, partial activation, or false activation of the grade crossing signal system, as provided by § 234.105 I (1) and (2), 234.106, or 234.107 I (1) (i).
 - A fatality of any regulated service employee regardless of fault (fatally injured regulated employee must be tested).
 - A regulated employee who violates an FRA regulation or railroad operating rules and whose actions may have played a role in the cause or severity of the accident/incident.

(Refer to Section C: Drug and Alcohol Testing Procedures 1.7 Testing)

- d) FMCSA Post-Accident Testing. CDL holders operating Commercial Motor Vehicles must be tested whenever:

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- An accident occurs resulting in a fatality;
- The driver receives a citation following an accident involving bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
- The driver receives a citation following an accident and one or more motor vehicles incur disabling damage that requires the motor vehicle(s) to be transported away from the scene by a tow truck or other motor vehicle.

e) Reasonable Suspicion Testing. Employees are subject to Reasonable Suspicion Testing when a trained supervisor suspects an employee is under the influence of drugs and/or alcohol based on specific, articulable observations concerning the appearance, behavior, speech or body odor of the employee.

Observation must be completed by one trained supervisor and a second supervisor's concurrence with the original assessment in determining if the employee may be in violation of related Federal regulations. The second supervisor need not be trained or physically present for the determination. A telephone consultation or similar means of communication is permitted. For reasonable suspicion tests involving CDL holders, only one trained supervisor is needed to complete.

f) Follow-Up Testing. Employees permitted to return to duty following a federal drug and alcohol violation (FRA and FMCSA) must participate in Follow-up testing as determined appropriate by a Substance Abuse Professional, Employee Assistance Professional, and/or Drug and Alcohol Counselor.

g) Federal Pre-Employment Testing. The following individuals must receive a pre-employment drug test:

- Candidates for employment who have received a conditional job offer
- Current employees who transfer into covered service from positions not performing hours-of-service functions; and
- Current employees who transfer to positions requiring a CDL
 - Amtrak is required to investigate the drug and alcohol testing record of candidates and employees described in 5.1.6(a) through 5.1.6(c) prior to the employee performing regulated duties.

h) Return-to-Duty Testing. Covered service railroad personnel who perform "Hours of Service" functions and/or railroad workers who perform Maintenance-of-Way (MOW) duties as well as CDL/CMV employees must pass a Drug test and/or a breath-alcohol test prior to returning to duty after testing positive on a federal drug or alcohol test.

Covered service railroad personnel described in 5.1.7(a) must successfully complete the Substance Abuse Professional's recommended treatment and any after-care or follow-up treatment that may be recommended or required.

i) Amtrak Tests. The following tests are conducted under Amtrak authority:

j) Non-Agreement Random Testing. A non-agreement employee is defined as "safety sensitive" if the employee is responsible for providing a safe work environment for co-

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workers or the traveling public including compliance with established railroad rules or public law are subject to random drug and alcohol testing.

Random Test Selection. Employees to be tested and the test date are computer generated using appropriate computer algorithms. Selected employees may be tested at any time during their work schedule on the designated test date. Cancellations of any testing event must be related to the immediate need to respond to a railroad emergency or a documented medical/family emergency of a selected employee. Unexcused cancellations will be considered a failure to test.

NOTE: Currently some non-agreement employees are included in the FRA and/or FMCSA Random Testing Program if they hold covered service qualifications and/or Maintenance-of-Way (MOW) duties covered by the definition of a "Roadway Worker" under § 214.7.

- k) Amtrak Post-Accident Testing. Any employee(s) involved in an accident or injury under circumstances that suggest possible use or influence of drugs or alcohol may be directed to submit to a drug and/or alcohol test.
- l) Accident/Injury Testing. A supervisor will require the employee to submit to drug and alcohol testing when an employee's acts or omissions are believed to have contributed to the occurrence or severity of an accident resulting in an injury, and the injury or incident is reportable, or reasonably believed to be reportable to the FRA.
- m) Reasonable Suspicion Testing. Amtrak employees are subject to Reasonable Suspicion Testing when a trained supervisor suspects an employee is under the influence of drugs and/or alcohol based on specific, articulable observations concerning the appearance, behavior, speech or body odor of the employee.

Observation must be completed by one trained supervisor and a second supervisor's concurrence with the original assessment in determining if the employee may be in violation of related Federal regulations. The second supervisor need not be trained or physically present for the determination. A telephone consultation or similar means of communication is permitted.

- n) Follow-Up Testing. Employees permitted to return to duty following a violation under Amtrak policy will be required to participate in Follow-up testing as determined by a Substance Abuse Professional, Employee Assistance Professional, and/or Drug and Alcohol Counselor.
- o) Pre-Employment Testing. The following individuals must receive a pre-employment drug test:
 - Candidates for employment who have received a conditional job offer.
- p) Return-to-Duty. Any employee returning to work after an absence of at least 30 consecutive days (excluding vacation or jury duty) must pass a Drug test before returning to work.

Any employee initially returning to work as a condition of the Drug and Alcohol Waiver or Letter of Determination as a result of a positive Amtrak drug and/or alcohol test result must pass a drug test and/or breath alcohol test before returning to work.

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q) Rule Violation. The violation of an Amtrak rule may provide cause for a drug and alcohol test event. In general, a rule violation includes an unsafe act that violates a safety rule, engineering standard, practice, procedures, or instructions, and results in a significant danger to an employee or the public.

r) Periodic. Employees in positions that require physicals will be required to submit to a drug test.

NOTE: For specific information regarding Engine Service employee physical examination requirements, refer to the applicable System General Road Foreman Notice. For CDL/CMV employees please visit the Amtrak intranet page under How We Work-Automotive or call Amtrak's Automotive Group at 1-800-839-1354.

s) Fitness for Duty. An Amtrak supervisor and/or the Corporate Medical Director may submit a request for an employee to undergo a fitness-for-duty physical examination if there is an objective basis to doubt whether the employee is able to perform his or her job safely. The following areas of assessment will be reviewed:

- physical condition;
- mental health state;
- drug/ alcohol testing to ensure the employee is free from the adverse effects of drugs, alcohol, and other substances that will allow him/her to perform their job safely.

The supervisor's request must be documented and based on specific, articulable observations that an employee may not be able to perform his or her duty safely according to the established job requirements. The recommending supervisor must provide written documentation and obtain concurrence from Amtrak's Medical Director or designee prior to directing the employee to undergo evaluation.

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SECTION C: Drug and Alcohol Testing Procedures

1.0 TESTING

- 1.1 Federal. Random, FMCSA Post-Accident, Reasonable Suspicion, Follow-up, Pre-Employment, and Return to Duty tests will occur either on-site or at a medical facility.
- Amtrak. Non-agreement Random, Rule Violation, Amtrak Post-Accident, Accident/Injury, Reasonable Suspicion, Follow-up, Pre-Employment, Return to Duty, Fitness for Duty and Periodic tests will occur either on-site or at a medical facility.
- 1.2 Amtrak conducts drug and alcohol tests pursuant to federal and state statutes as well as Amtrak policy and practice. During a testing event, supervisors must instruct the collector to utilize the appropriate federal or Amtrak testing form(s). This will require visual inspection of the chain of custody and alcohol testing form document to ensure the collection is completed under the correct testing authority.
- 1.3 Once an employee is notified of the testing event, the employee must accompany the testing supervisor and report directly to the designated collection site.
- 1.4 Employees are not permitted to leave the presence of the supervisor who has provided the notification or who is accompanying him or her to the collection site, for any reason.
- 1.5 Once notified of the testing event or if the employee reasonably believes a testing event is imminent, the employee may not “mark off” under any prevention program.
- 1.6 Amtrak will adhere to all hours of service requirements with the exception of problems in collection as outlined in 49 CFR §40.
- 1.7 Amtrak tests conducted under Amtrak authority that require breath alcohol collections should be conducted within two hours of the event and no later than eight hours after. Drug test collections for these same events cannot exceed 32 hours from the time of the incident (accident/injury or rule violation). For CDL/CMV holders alcohol use is prohibited for up to eight (8) hours following an accident or until the driver undergoes a FMCSA post-accident test.
- 1.8 FRA Post-Accident Toxicological Testing is handled by use of a FRA toxicological kit provided to Amtrak and must be transported to a hospital/medical facility for completion of the testing event. For Post-Mortem cases, the toxicological kits should be provided to the coroner. The collector must prepare the specimens for shipment or the medical staff designee (it cannot be a railroad representative).

Toxicological box handling

- a) The collector and/or medical staff designee is responsible for carefully packaging the specimens for shipment, sealing the individual collection kits and placing back in the larger FRA toxicological box. The toxbox should then be placed in a FedEx or other overnight courier shipping envelope, with the provided attached Quest addressed shipping labels. The railroad representative should transport the box to the closest shipping location. The box should NEVER be placed in a dropbox. If weekend service is not available, the railroad representative should ask the medical facility to refrigerate the specimens and arrange for a timely pick-up of the toxbox for shipment. Upon completion

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of all steps the railroad designee must submit all tracking receipts and shipment confirmation slips to OccupationalTestingServices@amtrak.com.

FRA Post-Accident Testing Requirements

- a) For an accident that meets the criteria for a Major Train Accident, all assigned crew members of all involved trains and on-track equipment must be tested. Test any other regulated service employees that had a possible role in the cause or severity of the accident.
- b) For an Impact Accident, Fatal Train Incident, Passenger Train Accident or Human-Factor Highway-Rail Grade Crossing Accident/Incident, Test any other regulated service employees that had a possible role in the cause or severity of the accident. The railroad must exclude other regulated service employee if the responding railroad representative can immediately determine, on the basis of specific information, that he employee had no role in the cause(s) or severity of the accident/incident (considering any such information immediately available at the time).
- c) For a fatal train incident, the fatally injured employee cannot be excluded from being tested.
- d) If there is a fatality of any regulated service employee as result of a Highway-Rail Grade Crossing Accident/Incident, the fatally injured regulated employee must be tested regardless of fault.
- e) Exceptions from Testing: No test may be required in the case of a collision between railroad rolling stock (including any on-track equipment) and a motor vehicle or other highway conveyance at a rail/highway grade crossing, unless it meets the criteria set forth.
- f) No test may be required in the case of an accident/incident if the cause and severity of which are wholly attributable to a natural cause (e.g., flood, tornado, or other natural disaster) or to vandalism or trespasser(s), as determined on the basis of objective and documented facts by the railroad representative responding to the scene.
- g) The railroad supervisor(s) on the scene will make timely determinations as to the event being a qualifying event and which regulated service employees (if any) are required to be tested.
- h) Amtrak will identify the appropriate personnel who must be tested and then ensure that specimens are collected and shipped.
- i) For additional guidance on when a FRA Post-Accident Toxicological Testing is required, contact the DER and refer to the FRA Post-Accident Testing Criteria Flow Chart available at:

<https://www.fra.dot.gov>

2.0 COLLECTION PROTOCOLS

- 2.1 Abnormal Testing Event. The testing supervisor, collector, and/or breath alcohol technician must contact the DER at the time of the test when the testing event appears to be abnormal (for example, cold/hot/altered specimens, refusal, positive alcohol test result, shy bladder/shy lung situations etc.).

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- 2.2 Out of Temperature Specimen. If an employee provides a urine specimen that is out of temperature range, they will be required to provide an additional sample under direct observation.
- 2.3 Shy Bladder. When an employee claims to be unable to provide the required urine specimen volume:
- The donor will be afforded a wait period of up to 3 hours and requested to drink up to 40 ounces of fluid;
 - The donor is to remain in the testing area;
 - The donor must attempt to provide a subsequent specimen within the 3 hour wait period.
- 2.4 Shy Lung. When an employee claims to be unable to provide an adequate sample of breath the collector will contact the DER for specific instructions.
- 2.5 If performing an alcohol and drug collection, the on-site testing supervisor is to instruct the testing technician to always perform the breath alcohol collection first, then the urine collection.
- 2.6 Unable to Provide Sample/Refusal to Test. Donors being tested in a Federal testing event MUST attempt to provide a specimen. If the donor is unable to provide a sample, the collector will contact Amtrak’s DER to advise. If a specimen is not provided, the donor will be instructed by the DER to take a medical evaluation to determine if there is a medical reason for not providing a sample. If it is determined that there is no legitimate medical reason for not providing a urine specimen, it will be considered a refusal to test. The facility and/or collector MUST contact the DER prior to completing an alternative collection. Alternative collections can only be performed for non-Federal tests.
- 2.7 Confidentiality. Testing information (whether a notification for a test or the actual test results) is not to be released to anyone who does not have a need to know.
- 2.8 Employee Notification of Testing. Notification of a testing event is to be handled in the most discreet and confidential manner possible so as not to disclose the testing event to other employees or those who do not have a need to know. Every effort should be made to notify an employee subject to testing face-to-face. Once notified of an imminent testing event, an employee may not leave the presence of the accompanying supervisor or manager for any reason and may not “mark off” under any peer prevention program.
- 2.8 Acceptable Collection Standards. A urine or drug specimen collection should occur in a location that at a minimum provides:
- A source of water for washing hands
 - A toilet for urination
 - A private enclosure (bathroom with a door that closes)
 - A suitable clean writing surface
- A breath alcohol specimen collection should occur in a location that at a minimum provides an enclosed area to ensure visual or aural privacy of the testing information.

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2.9 Drug and Alcohol Results.

- a) Drug Results. The Occupational Testing Services/Drug and Alcohol Compliance department will notify management of negative results, verified positives, and refusals to test. The DER and/or designee will notify management if the employee will be medically disqualified from service pending the outcome. This information may also be released or shared with legal, claims, human resources, medical, EAP and labor relations personnel as necessary to facilitate discipline, assessment, treatment, return-to-work and follow-up processes; and for the specific purpose of reporting potential safety risks by virtue of medications taken, conditions suffered or other circumstances. Employees tested for the following reasons are removed from service pending receipt of the drug testing results from the Medical Review Officer:
- Accident/Injury
 - Amtrak Post-Accident
 - Fitness for Duty
 - Periodic
 - Reasonable Suspicion
 - Return to Duty
 - Rule Violation
- b) Alcohol Results. Confirmed positive breath alcohol test results and test refusals are immediate and will be made known to the employee and the testing supervisor at the time of the test. If an employee refuses a test or tests positive, the testing supervisor is to immediately remove the employee from service. The BAT and testing supervisor must immediately notify the DER of any positive confirmed alcohol test result or test refusal.
- Negative Result.
 - Results of .000-.019 (BAC) represents a negative Test Result;
 - Employee may be returned to service if no other testing is required.
 - Positive Result.
 - Amtrak Results of .020 (BAC) and greater represents a positive test result. An employee with a positive test is temporarily medically disqualified and immediately removed from service pending results of an investigation. If a drug test still needs to be conducted, the drug test is administered and the employee removed from service. Upon verification of the testing event, and review of the supporting DOT or Non-DOT form, the DER will notify the supervisor that the employee is medically disqualified.
 - Federal Results of .040 (BAC) and greater represents a positive test result. The FRA also requires that the employee be removed from covered service until at least the next duty period or eight hours (whichever is more) if his or her confirmed alcohol level is between 0.02% and 0.04%. An employee with a positive test is temporarily medically disqualified and immediately removed from service pending results of an investigation. If a drug test still needs to be

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conducted, the drug test is administered and the employee is removed from service. Upon verification of the testing event, and review of the supporting DOT or Non-DOT form, the DER will notify the supervisor that the employee is medically disqualified.

- **Refusal to test.** If an employee refuses a test, the testing supervisor is to immediately remove the employee from service and notify the Amtrak DER of the test refusal. Test refusals, adulterated and substituted samples shall result in the employee's termination from Amtrak in all capacities. In addition to dismissal from Amtrak service, an Hours-of-Service employee who refuses a Federal testing event will be prohibited by Federal law from performing Hours-of-Service functions at any railroad for nine (9) months.
- **Releasing Results.** Employees who wish Amtrak to release drug and alcohol testing information must submit a written request to Occupational Testing Services department.

3.0 CONSEQUENCES/VIOLATIONS

Agreement employees who appear to have violated any provision of the Amtrak Drug and Alcohol-Free Workplace Policy and Guidelines will be charged under the appropriate collective bargaining agreement. Non-agreement employees will be disciplined in accordance with the Amtrak Drug and Alcohol-Free Workplace Policy and applicable guidelines.

4.0 ARRESTS AND CONVICTIONS

Amtrak will conduct a case-by-case assessment with regard to any employment action following a drug or alcohol-related arrest or conviction. Those with a qualifying arrest will be required to report to Amtrak's internal Employee Assistance Program (EAP) for initial evaluation. A qualifying drug and alcohol "arrest" is defined as a law enforcement agency seizing a person by legal authority and taking them into custody for a misdemeanor or felony charge involving:

- Operating a motor vehicle while under the influence of, or impaired by, alcohol or a controlled substance or refusal to undergo testing to determine whether s/he was operating a vehicle under the influence of alcohol or a controlled substance.
- Possession, use, or distribution of any illegal drug, controlled substance or related paraphernalia.

Employees, except for locomotive engineers and conductors, who are arrested, noticed for arraignment or otherwise detained by law enforcement personnel due to a drug or alcohol offense, are required to notify Amtrak of such arrest, notice or detention by calling the Amtrak Helpline at 1-866-908-7231 as soon as possible, but no later than 48 hours after the arrest, to report that s/he has been arrested for such a charge. If notification is impossible or impractical due to detention or incarceration, the employee must report the arrest to the Amtrak Helpline within 48 hours of being removed from detention or incarceration. The employee must provide the Amtrak Helpline representative with the following information: employee name, SAP number, job title, and work location. In regard to the drug and/or alcohol charge, and to the extent possible, the employee must report the charge(s) that s/he has been charged with committing, the date of the criminal charge(s), the circumstances leading to the charge(s), and the jurisdiction(s) where the criminal charge(s) are pending.

(Sworn members of Amtrak Police Department should follow APD Operations Guide 320 (OG 320))

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4.1 ARREST/CONVICTION FOLLOW-UP

Upon receipt of this information from the Amtrak Helpline, a committee comprised of members from Amtrak's Drug & Alcohol, Safety, and EAP departments (the "Committee") will review the facts and circumstances of each case to determine whether the employee should be referred to the EAP and/or whether the employee's department should be contacted to take follow-up actions.

In determining whether the employee's conduct warrants further follow-up by the employee's department, the Committee may consider the following, but not limited to:

- The potential impact to the safety of Amtrak operations
- The relationship between the employee's drug and/or alcohol arrest and the impact on the employee's ability to perform his or her job
- The impact on the Amtrak brand

The Committee may refer the employee by letter to Amtrak's Employee Assistance Program for a confidential substance use assessment and/or alcohol assessment, which must be completed in most cases between 10-14 days from the date of the referral to EAP.

4.2 CONDUCTORS AND ENGINEERS

Certified Conductors, Certified Locomotive Engineers (including all classes of certification under 49 CFR §240 and 242), and Assistant Conductors must report any conviction of, or completed state action to cancel, revoke, suspend, or deny a motor vehicle driver's license for, operating a motor vehicle while under the influence of or impaired by alcohol or a controlled substance to Amtrak. The reporting requirement includes any type of temporary or permanent denial to hold a motor vehicle driver's license when found to have either refused an alcohol or drug test, or to be under the influence or impaired when operating a motor vehicle.

The report must be made via the 48 Hour Confidential Reporting Hotline at 302-429-6530 within 48 hours of the conviction. If the employee is not in active-duty status at the time of the action, the report must be made no later than the return to active-duty status. The report must include:

- Employee name and SAP number
- Craft;
- Assigned crew base;
- Date of conviction;
- Phone number for a return call.

4.3 CONFIDENTIALITY

Such reports are considered confidential and will result in a referral for evaluation by an Employee Assistance Program (EAP) Counselor to determine if the person currently has an active substance abuse disorder.

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4.4 CONSEQUENCES

Failure to report such an incident within the required timeframe will result in disciplinary action up to and including termination. For Certified Conductors and Certified Locomotive Engineers, failure to report such an incident within the required timeframe is a violation of 49 CFR §240.111 or 49 CFR §242.111, and may also result in a Federal civil penalty.

Interpretation: This requirement creates an obligation for certified conductors, locomotive engineers and non-certified assistant conductors to report to Amtrak any type of temporary or permanent denial to hold a motor vehicle driver's license when the person has been found to have either refused an alcohol or drug test, or to be under the influence or impaired when operating a motor vehicle.

5.0 ACTIONS/STEPS FOLLOWING A POSITIVE TEST RESULT

Following a positive test result, the employee is temporarily medically disqualified and the supervisor/manager must immediately remove the employee from service upon receiving notification from Amtrak's Occupational Testing Services department. The department is responsible for taking disciplinary action, if appropriate. If the employee is an agreement-covered employee, a union official or an exempted employee who still holds seniority in a craft, the disciplinary action must comply with the requirements of the applicable collective bargaining agreement. Questions concerning the discipline process should be directed to Labor Relations. In the event of a positive result from a non-agreement employee, termination is expected to ensue. The manager should consult Employee Relations and/ or the department's Human Resource Business Partner before any non-agreement termination.

6.0 EMPLOYEE ASSISTANCE PROGRAM

Amtrak's Employee Assistance Program (EAP) provides evaluation, counseling and support services to employees regarding any issue affecting their personal or professional life, including substance misuse. Employees are encouraged to seek the services of the EAP to begin to address a drug or alcohol abuse and before drug or alcohol abuse has an adverse impact on safety or employee productivity. Employees must seek the services of EAP when required to do so by Amtrak policy.

7.0 PREVENTION PROGRAM

Amtrak supports a Prevention Program which gives employees who may be impaired by drugs or alcohol the ability, in certain circumstances, to "mark off" and avoid compromising the safety of themselves, co-workers and the public. The goal of a Prevention Program is to promote a drug and alcohol free workplace.

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Appendix 1: Definitions

<p><i>Designated Employer Representative (DER)</i></p>	<p>As defined in 49 CFR §40, the Designated Employer Representative (DER) is an employee authorized by the employer to take immediate action(s) to remove employees from safety-sensitive duties, or cause employees to be removed from these covered duties, and to make required decisions in the testing and evaluation processes. The DER also receives test results and other communications for the employer, consistent with the requirements of this part. The DER is also available to Collectors, Breath Alcohol Technicians (BATs), the testing laboratory, and Medical Review Officer (MRO) to provide guidance on policy and regulation.</p> <p>Testing supervisors should utilize the DER when they have questions about administering a drug or alcohol testing event. The DER will be able to provide guidance to the testing supervisor regarding the testing criteria or event. <i>In the case of a “For Cause” testing event, the DER will not make a decision for the testing supervisor whether or not to conduct the test.</i></p> <p>The testing supervisor, collector, and/or breath alcohol technician must contact the DER at the time of the test when the testing event is not within the norm (e.g. cold/hot/altered specimens, refusals, positive alcohol test results, shy bladder/lung situations etc.).</p> <p>In the event the testing supervisor, collector or BAT has a question about the testing event and cannot contact the DER, the testing supervisor, collector or BAT must continue with the testing event according to established testing protocols.</p>
<p><i>Recommended Drug Testing Protocols</i></p>	<p>The drug testing process consists of three components:</p> <ul style="list-style-type: none"> • the collection; • analysis at the laboratory; and • the Medical Review Officer process. <p>A summary of the procedures for each of these components can be found in the rule text in 49 CFR §40.</p>
<p><i>Alcohol Testing Using/ Consuming Alcohol Blood Collection Employee Care</i></p>	<p>A breath alcohol specimen collection should occur in a location that at a minimum provides an enclosed area to ensure visual or aural privacy of the testing information. An office with a door that closes is an ideal location. Designating a section of a common work area or lunchroom is not acceptable.</p> <p>The confirmation test result is the final result of the donor’s test and will determine the outcome of the test. A confirmation test result of less than .020% BAC is considered negative. A confirmation test result of .020% BAC or higher is considered a positive.</p> <p>Using/consuming alcohol, including beverages or medications that contain alcohol, for whichever is the lesser of the following periods:</p> <ul style="list-style-type: none"> • Hours of Service-within four (4) hours of reporting for covered service, or after receiving notice to report for covered service (whichever time is less). • Non-Hours of Service-within eight (8) hours of reporting for work, or after

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	<p>receiving notice to report for work.</p> <p>FRA/FMCSA Post-Accident Testing is currently the only testing event where, in addition to urine and breath samples, blood samples will be collected. These samples will be collected at an independent medical facility.</p> <p>All employees, supervisors, and testing contractors are to make every effort to respect the privacy of employees being tested before, during, and after each drug and/or alcohol test. Every effort must be made to maintain testing confidentiality and minimize potential embarrassment and inconvenience to those individuals tested.</p>
Confidential Information	<p>By its very nature, drug and alcohol testing is very sensitive and is to be handled in the utmost confidence. Testing information, whether a notification for a random or follow-up test or the actual result of a test, is not to be released to anyone who does not have a need to know. Additionally, 42 CFR §2.1 should be followed when discussing records of the identity, diagnosis, prognosis, or treatment of any employee which are maintained in connection with the performance of any drug abuse prevention function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States except as noted in this regulation be kept confidential and be disclosed only for the purposes and under the circumstances expressly authorized.</p>
Employee Notification Of Testing	<p>Notifying an employee of a testing event is to be handled in the most discreet and confidential manner possible so as not to disclose the testing event to other employees or those who do not have a need to know. Every effort should be made to notify an employee subject to testing face-to-face.</p> <p>Once an employee is notified of the testing event, the employee must accompany the testing supervisor and report directly to the designated collection site. In addition, employees are not permitted to go to their lockers for any reason until after their test event is completed, nor can they mark-off "Prevention Program."</p>
Adulterated	<ul style="list-style-type: none"> • A urine specimen is defined, but not limited to the following, as adulterated if: <ul style="list-style-type: none"> The nitrite concentration is ≥ 500 g/ml; If the pH is ≤ 3 or ≥ 11; If an exogenous substance (i.e. Substance which is not a normal constituent of urine) or an endogenous substance at a higher concentration than normal physiological concentration is present in the specimen.
Alcohol Use	<p>The intoxicating agent in beverage alcohol, ethanol, or other low molecular weight alcohol, including methyl or isopropyl alcohol.</p> <p>The consumption of any beverage, mixture or preparation, including any medication containing alcohol that results in the employee being unable to safely perform his/her job function.</p>
Alcohol and Drug Waiver Agreement (NRPC 2585)	<p><u>If eligible</u>, a waiver of charges relating to drug abuse and/or alcohol misuse according to Amtrak policy, and/or Federal regulations, consisting of an agreement to enter the Employee Assistance Program (EAP), to adhere to all recommendations which include completing treatment/education and testing negative on the return-to-duty test(s) and on all unannounced follow-up tests. The waiver also requires the employee to maintain periodic contact with the EAP. Failure to comply with any of these requirements will result in disciplinary action up to and including termination.</p>

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	<ul style="list-style-type: none"> Employees refusing a testing event, substituting or adulterating their specimen will not be eligible for a waiver and will be subject to termination. For further information on the eligibility requirements, confirm with the company DER.
Annual Random Testing Rate	The rate of testing Covered Service Personnel and CDL employees is determined annually by the FRA and FMCSA, respectively. Each rate is based upon the violation rate of the respective modes of transportation as known through annual industry employer reports required by law. The rates are published annually in the Federal Register. Amtrak determines its annual random testing rate.
Breath Alcohol Concentration (BAC)	The weight of alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath. A breath test measures the concentration of alcohol in breath. This relates directly to the alcohol concentration in the blood, and thus provides an accurate determination of the quantity of alcohol reaching the brain.
Alcohol Testing Form (ATF)	A form that is used during an alcohol-testing event that documents the event and associates the test result to the donor. The form can be either Federal or Amtrak/non-DOT.
Breath Alcohol Technician	An individual who is certified in breath alcohol testing procedures, and in the use of an evidential breath testing (EBT) device. This individual instructs and assists the donor in the breath alcohol testing process pursuant to Federal regulations, and operates and maintains the EBT in accordance with the manufacturer's quality assurance plan (QAP).
Cancelled Test	A drug test is reported as "Cancelled" by the Medical Review Officer (MRO), which may include, but not limited to the following situations: <ul style="list-style-type: none"> when a "split sample" cannot be tested or does not exist; when documentation errors on a custody and control form are not correctable; when there is not enough of a urine sample for the laboratory to test; or when bottle seals show evidence of tampering.
CFR	Code of Federal Regulations
Collection Site	A place designated by Amtrak where individuals present themselves for the purpose of providing a specimen to be analyzed for the presence of alcohol and/or drugs.
Collector	An individual trained in urine collection procedures (as outlined in 49 CFR §40) who instructs and assists individuals at the collection site and who receives and makes a visual inspection of the urine specimen provided by the individual and ships the specimen to the testing laboratory.
Commercial Driver's License	A license issued by a State or other jurisdiction, in accordance with the standards contained in 49 CFR §383, to an individual, authorizing the individual to operate a class of Commercial Motor Vehicles (CMV).
Confirmation Test	A second test following an initial alcohol screening test of .020% BAC or higher. A confirmation test is the final test result upon which the supervisor will base his actions, if any, against the employee.
Drug Testing	A second analytical procedure to identify the presence of a specific drug or

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	metabolite that is independent of the screen test, and uses a different technique and chemical principle from the screen test to ensure reliability and accuracy.
Controlled Substance	Substances listed on Schedules I through V of 21 CFR §1308, as may be revised from time to time by publication in the Federal Register.
Co-Worker	An employee of the railroad, including an agreement covered working Supervisor directly associated with a yard or train crew, such as a conductor or yard foreman, but not including any other non-agreement railroad supervisor, special agent or officer.
Co-Worker Report	A process designed to encourage co-worker participation in preventing drug and alcohol misuse in the workplace.
Commercial Vehicle (CMV)	A CMV is a motor vehicle, or combination of motor vehicles, used in commerce to transport passengers or property and: <ul style="list-style-type: none"> • Designed to transport 16 or more passengers including the driver; or • has a gross combination weight registered 26,001 pounds or more inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 lbs.; or • has a gross vehicle weight rating of 26,001 lbs., or is used for transporting hazardous materials that require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR 172 Subpart-F).
Covered Service	A person who performs <i>hours of service</i> functions at a rate sufficient to be placed into the railroad's random testing program. Categories of personnel who normally perform these functions are <i>locomotive engineers, trainmen, conductors, switchmen, locomotive hostlers/helpers, utility employees, signalmen, operators, train dispatchers, and CDL holders.</i>
Custody and Control Form (CCF)	A form that is used during a specimen collection that documents the event and associates the sample to the donor. The form can be either Federal or Amtrak depending on the test being requested. The employee may list any medications or prescriptions used on the back of his/her copy of the form.
DHHS Certified Laboratory	A laboratory that has been certified by the U.S. Department of Health and Human Services (DHHS) that meets all urine, hair or oral fluid testing requirements specified in the Mandatory Guidelines for Federal Workplace Drug Testing Programs under Federal and Amtrak authority.
Dilute [Urine]	If the creatinine is ≤ 20 mg/dl <u>and</u> the specific gravity is ≤ 1.003 , unless the criteria for a substituted specimen are met.
Sample Drug	A substance (other than alcohol) that is a controlled substance listed on Schedules I through V (as they may be revised from time to time per 21 CFR §1308). Test samples obtained pursuant to Federal regulations will be analyzed at a DHHS certified laboratory for the presence of cocaine, opiates, amphetamines, marijuana and phencyclidine and/or their metabolites as per 49 CFR §40.29. Amtrak's testing panel will include testing for the following drugs, but are not limited to: amphetamines, barbiturates, benzodiazepines, cocaine, marijuana (including synthetic marijuana derivatives), methadone, PCP, opiates, oxycodone

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	and MDA.
<i>Employee Assistance Program (EAP)</i>	Amtrak's Employee Assistance Program (EAP) is designed to establish programs and services for employees and their dependents to address problems that may interfere with productivity, job performance, safety and quality of life. The program provides a host of services related to the prevention, problem identification, treatment referral, monitoring compliance, education, and consultation.
<i>FRA</i>	Federal Railroad Administration of the US Department of Transportation.
<i>Alcohol and Drug Prohibitions</i>	Those drug and alcohol prohibitions stipulated in 49 CFR §219 Subpart –B.
<i>FMCSA</i>	Federal Motor Carrier Safety Administration, U.S. Department of Transportation. (Regulatory body for CDL/CMV drivers).
<i>Alcohol and Drug Prohibitions</i>	Those drug and alcohol prohibitions stipulated in 49 CFR 382 §Subpart –B.
<i>Hours of Service Employees (HOS)</i>	<p>A person who performs, at least quarterly, a service covered by FRA Hours-of-Service regulations is subject to FRA mandated testing. 49 U.S.C. § 21101 refers to a Hours-of-Service employee as being:</p> <ul style="list-style-type: none"> • a dispatching service employee (i.e., an operator, train dispatcher, or other employee, who by the use of an electrical or mechanical device dispatches, reports, transmits, receives, or delivers orders related to or affecting train movements); • a signal employee (i.e., an individual employed by a railroad carrier who is engaged in installing, repairing, or maintaining signal systems); or • a train employee (i.e., an individual engaged in or connected with the movement of a train, including a hostler, Heavy Equipment Operator, Light Equipment Operator and Heavy Equipment Machinist). <p>Covered functions have generally been held to include: engineer, trainmen, train dispatcher, block operator, signalman, large/heavy equipment operator and cab signal/automatic train stop electrician.</p>
<i>Hair-testing</i>	Hair testing analyzes a hair sample for parent drugs and their metabolites.
<i>Identification</i>	Each applicant or employee providing a breath, urine, hair or oral fluid sample for Federal or Amtrak/non-DOT testing will provide the collector/technician a valid photo ID (e.g. current state driver's license, Amtrak ID or passport). In the event an employee does not have a valid ID, the test site supervisor will vouch for the employee's identity.
<i>Invalid Test</i>	An alcohol test deemed invalid in accordance with 49 CFR § 40.79 cannot be used in a disciplinary proceeding, however, the invalid test does not negate the supervisor's ability to charge the employee(s) with other violations that may or may not be associated with the testing event.
<i>Letter of Verification</i>	<p><u>Negative Urine Drug Test Result:</u> A report transmitted by the MRO to Amtrak, stating that the result of an individual's drug test was negative.</p> <p><u>Non-Negative Urine Drug Test Result:</u> A letter, mailed by the MRO to the individual tested and Amtrak, stating the result of the individual's drug test as</p>

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	nonnegative. The letter will state, among other items, the drug(s) for which the individual tested positive or the condition of the specimen (e.g. substituted, adulterated etc.).
<i>MoW</i>	Maintenance of Way
<i>Oral Swab</i>	A self-contained, ready to use, point of contact, oral fluid (saliva) drug testing device.
<i>Out of Temperature Specimen</i>	<p>If an employee provides a urine specimen that is out of temperature range, they will be required to provide an additional sample under direct observation. In a case where the employee refuses to provide another urine specimen or refuses to provide another specimen under direct observation the DER must be notified.</p> <p>Employees are informed that agreements such as the Rule G Bypass Agreement and the Prevention Program Companion Agreement are available to the employee in addressing alcohol and drug use problems.</p>
<i>Possession</i>	<p>Possession of drug paraphernalia or alcohol can(s) and/or bottle(s), while on Amtrak premises, Amtrak business, in Amtrak-supplied lodging, while wearing a uniform with an Amtrak emblem or while wearing insignia lanyard is prohibited.</p> <p>Employees who come to the workplace (on or off-duty) with drugs and/or alcohol on their persons or in their bodies.</p>
<i>Prevention Program</i>	The program emphasizes awareness, education, and prevention of drug use as an important component of the drug free workplace plan. It is the intention of the program to change attitudes, to reduce the tolerance of nonusers to job-related drug and alcohol use, and to encourage users to seek assistance.
<i>Qualifying Drug/Alcohol Arrest</i>	Is defined as a law enforcement agency seizing a person by legal authority and taking them into custody for a misdemeanor or felony charge involving: Operating a motor vehicle while under the influence of, or impaired by, alcohol or a controlled substance or refusal to undergo testing to determine whether s/he was operating a vehicle under the influence of alcohol or a controlled substance. Possession, use, or distribution of any illegal drug, controlled substance or related paraphernalia.
<i>Regulated Service</i>	Includes all hours of service employees and roadway workers, inclusive of "regulated service" contractors and also individuals who may volunteer to perform regulated service duties for a railroad. These generally include train and engine service employees involved in the movement of trains or engines (e.g., conductors, brakemen, switchmen, engineers, locomotive hostlers/helpers), dispatching employees who issue mandatory directives (e.g., train dispatchers, control operators), signal employees who inspect, repair or maintain signal systems and maintenance of way employees performing duties of roadway workers as defined in Part 214.7.
<i>Refusing to Submit to a Test</i>	<p>A refusal to test by an employee includes, but is not limited to the following:</p> <ul style="list-style-type: none"> • Refusing or failing to appear for a drug/alcohol test within a specified time, determined by Amtrak, after being directed to do so by Amtrak. • Failing to remain at the testing site until the testing process is complete. • Failing to provide a specimen for collection. • Failing to provide a sufficient amount of urine when directed, without an

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	<p>adequate medical explanation.</p> <ul style="list-style-type: none"> Failing or declining to take a second drug test as directed. Failing to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by Amtrak as part of “shy bladder/shy lung” procedures. Alternative collection options are not available for Federal drug/alcohol testing. Adulterating or substituting a urine sample or attempting to adulterate or substitute a urine sample by use of any objects, items, substances, or liquids. In the case of a directly observed or monitored collection in a drug test, failing to permit the observation or monitoring of the provision of a urine specimen (unless prohibited by law). <p>Failing to cooperate with any part of the testing process such as delaying the collection, testing or verification process or otherwise engaging in conduct that clearly obstructs or manipulates, or attempts to obstruct or manipulate, the testing process.</p>
<i>Regulated Test</i>	A drug and/or alcohol test conducted in accordance with FRA or FMCSA regulations and documented on a Federal/DOT testing form. This type of testing will be referred to as “Federal” testing.
<i>Roadway Worker</i>	A “roadway worker” is defined in 49 C.F.R. Part 219.5 specifically as: any employee of a railroad, or of a contractor to a railroad, whose duties include inspection, construction, maintenance or repair of railroad track, bridges, roadway, signal and communication systems, electric traction systems, roadway facilities or roadway maintenance machinery on or near track or with the potential of fouling a track, and flagmen and watchmen/lookouts as defined in this section.
<i>Screening Test</i>	<p><u>Alcohol Testing</u>: An initial analytical procedure used to determine Breath Alcohol Concentration (BAC). A screening test result of .000- .019% BAC is a negative test result, meaning no further breath alcohol testing is authorized.</p> <p><u>Drug Testing</u>: An initial analytical procedure used to eliminate a negative urine specimen from receiving further analysis.</p>
<i>Shy Bladder</i>	When an employee claims to be unable to provide the required urine specimen (45 ml), the employee will be directed to drink up to 40 oz. of fluid distributed reasonably through a period of up to three (3) hours, or until the individual has provided a new urine specimen, whichever occurs first. After the three-hour waiting period, the employee will be asked to provide another sample using a new collection kit. Combining of separate specimens/voids is not permitted.
<i>Shy Lung</i>	When an employee is unable, or claims to be unable, to provide an adequate sample of breath due to a medical condition.

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Appendix 2: Important Contact Numbers

<i>Amtrak Police</i>	800-331-0008 - Emergency phone number for Amtrak police.
<i>Central Reporting</i>	202-906-3280 - Call this number to: <ul style="list-style-type: none"> ask questions about reporting an injury, or ask for guidance on FRA reportable events.
<i>CNOC</i>	800-424-0217 - Call this number to: <ul style="list-style-type: none"> report a qualifying FRA Post Accident/incident, or request the location of the closest location of a FRA Post Accident TOX and Fatality Box.
<i>Commercial Driver's License (CDL) Compliance</i>	302-836-7786 - Call this number to: <ul style="list-style-type: none"> report a new CDL driver to Amtrak's automotive group, or to update an existing driver's qualification file, or ask questions regarding Federal (CDL) regulations or Amtrak vehicle compliance.
<i>Assistant Designated Employer Representative (MoW)</i>	202-641-0248 - Call this number if you are a testing supervisor and need to: <ul style="list-style-type: none"> report a confirmed alcohol positive result; report a test refusal; report a shy bladder/lung situation; verify testing criteria questions; ask testing form questions, (Federal vs. Amtrak).
<i>Chief Designated Employer Representative (Covered Service/CDL)</i>	202-821-6867 Call this number if you are a testing supervisor and need to: <ul style="list-style-type: none"> report a confirmed alcohol positive result; report a test refusal; report a shy bladder/lung situation; verify testing criteria questions; ask testing form questions, (Federal vs. Amtrak).
<i>Federal Railroad Administration</i>	615-719-2951 or 202-493-6313 (FRA) and 800-424-8802 (NRC) Call these numbers to report a qualifying FRA Post Accident event. If an answering machine picks up, leave the following information: <ul style="list-style-type: none"> Name of Railroad (Amtrak); Supervisor name, title and phone number; Time, date and location of accident/incident; and Brief summary of the circumstances of the accident/incident, including the basis for testing. Total number of employees tested, including their names and occupations.

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<i>Occupational Testing Services (Drug and Alcohol)</i>	202-906-2786 (Confidential FAX); 302-984-4868 (Confidential voicemail). HSDA@amtrak.com or OccupationalTestingServices@amtrak.com (Confidential e-mail) Use the above contact information to fax, call or e-mail all required testing reports and written communications to staff or to leave a message.
<i>Scheduling On-site Testing Events</i>	Amtrak is contracted with on-site vendors to provide trained collectors and Breath Alcohol Technicians (BATs) to supplement Amtrak's Alcohol and Drug Policy. For after-hours assistance contacting a collection vendor to schedule a testing event, please contact the assigned DER for your craft. All collections must be scheduled through the current Amtrak approved on-site vendor by calling them at least 24 hours prior to the actual testing date <u>or</u> by faxing your scheduling requests to them at least 48 hours prior to the actual testing date.
<i>48 Hour Confidential Reporting Hotline</i>	Certified Conductors, Certified Locomotive Engineers (including all classes of certification under 49 CFR § 240 and 242), and Assistant Conductors must report any conviction of, or completed state action to cancel, revoke, suspend, or deny a motor vehicle driver's license for, operating a motor vehicle while under the influence of or impaired by alcohol or a controlled substance to Amtrak. The reporting requirement includes any type of temporary or permanent denial to hold a motor vehicle driver's license when found to have either refused an alcohol or drug test, or to be under the influence or impaired when operating a motor vehicle. The report must be made via the 48 Hour Confidential Hotline at 302-429-6530 within 48 hours of the conviction. If the employee is not in active-duty status at the time of the action, the report must be made no later than the return to active duty status. The report must include: <ul style="list-style-type: none"> • Employee name and SAP number; • Craft; • Assigned crew base; • Date of conviction; • Phone number for a return call.

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