



Belt Railway Company of Chicago Policies & Procedures

POLICY No: 3

POLICY: Alcohol & Drug Use

Effective: January 1, 1996

Reviewed: December 12, 2018

Revised: January 1, 2019, January 1, 2018; January 1, 2016; January 1, 2014;
January 1, 2012; August 1, 2009

THE BELT RAILWAY COMPANY OF CHICAGO ALCOHOL AND DRUG USE POLICY

**(Amended and revised November 1, 2002, December 1, 2006, August 1, 2009, January 1, 2012,
January 1, 2014, January 1, 2016, January 1, 2018 and January 1, 2019)**

There is heightened concern on the part of the Federal Government, private citizens, Labor Unions, and Management regarding the use of illegal drugs and the abuse of alcohol in our society and the work force of our Nation. The railroad industry in general, and the BRC, is not immune to the problems of substance abuse in the workplace.

As a result, the Belt Railway Company of Chicago, recognizing its obligation to eliminate drug and alcohol abuse and their effects from the work place, has committed itself to a program designed to eliminate the abuse of drugs and alcohol by its employees.

The BRC's aim is to provide a safe work environment for its employees, its customers, and the public and maintain a workplace free from the use or effects of prohibited substances. Toward this end, the BRC intends to continue a program of urine and breath testing where reasonable cause exists that an employee may be using drugs and/or alcohol. The BRC reserves the right to utilize both urine and breathalyzer testing methods under this policy. The purpose of this policy is to ensure compliance with BRC Rules and Regulations prohibiting the use of prohibited substances. Testing under this policy – whether by urinalysis or breathalyzer- is designed to identify and eliminate prohibited substances in the workplace. The same standard used by the

Department of Transportation will be used regarding testing criteria as well as determination and identification of prohibited substances.

It is the BRC's policy to maintain a safe work environment and to promote productivity by ensuring that its employees are drug-free and do not abuse alcohol. The BRC has two programs to support that policy which are applicable to all employees: (a) the GCOR Rule 1.5 Program (formerly Rule G), and (2) The Employee Assistance Program.

1. **GCOR Rule 1.5 Program.** The company requires all employees to comply with the provisions of Rule 1.5 of the General Code of Operating Rules (GCOR), [or applicable departmental regulation](#). Rule 1.5 reads as follows:

“1.5 Drugs and Alcohol

The use or possession of alcoholic beverages while on duty or on company property is prohibited. Employees must not have any measurable alcohol in their breath or in their bodily fluids when reporting for duty, while on duty, or while on company property.

The use or possession of intoxicants, over-the-counter or prescription drugs, narcotics, controlled substances, or medication that may adversely affect safe performance is prohibited while on duty or on company property, except medication that is permitted by a medical practitioner and used as prescribed. Employees must not have any prohibited substances in their bodily fluid when reporting for duty, while on duty, or while on Company property.”

NOTE: In the application of GCOR Rule 1.5 the following applies:

1. Presence of a prohibited substance(s) in the body fluids is considered possession.
2. It is the employees' responsibility to obtain a written statement from their medical practitioner that the medication being used as prescribed is consistent with safe performance of the employees' duties.
3. It is the employees' responsibility to submit the written statement from his or her medical practitioner to either the Company's Director Risk Management or Human Resources Department at the time such medication is prescribed, or prior to next performing service. Such written statement shall be considered valid by Company for a maximum of one (1) year; employees

must furnish an additional written statement in the event that a prescription drug is prescribed for a time in excess of one (1) year and for each year thereafter, as necessary. Failure to have such statement on file with Human Resources in the event of a positive drug test shall be considered a violation of GCOR 1.5.

4. In the case of a conflict between any Federal and State laws, regulations, guidelines, etc., the Federal standard shall govern.

In order to comply with Notes 2 and 3 above, employees who are prescribed any drug or medication by a licensed physician (1) the possession of which is prohibited by law; (2) which belongs to the generic categories of narcotics, depressants, stimulants, tranquilizers, hallucinogens or antidepressants; (3) which is assigned a registration number by the U. S. Food and Drug Administration not included in (2); or (4) any liquid containing alcohol; must obtain from the treating physician a written statement certifying that in the physician's opinion the drug or medication prescribed at the prescribed or authorized dosage is consistent with the safe performance of the employee's duties. It is the responsibility of the employee to submit the written statement at the time the drug or medication is prescribed, or prior to next performing service. The written statement shall be considered valid by Company for a maximum of one (1) year; employees must furnish an additional written statement in the event that a prescription drug is prescribed for a time in excess of one (1) year and for each year thereafter, as necessary. Statements submitted following a positive drug test that reveals the presence of any prescription medication will still be considered a violation of this Rule.

Be advised that the company policy forbids employees from using a controlled substance at any time, whether on duty or off duty.

2. **“GCOR Rule 1.6 Conduct, or equivalent departmental regulation,** Employees must not be: 1. Careless of the safety of themselves or others. 2. Negligent. 3. Insubordinate. 4. Dishonest. 5. Immoral. 6. Quarrelsome. or 7. Discourteous.

Any act of hostility, misconduct, or willful disregard or negligence affecting the interest of the company or its employees is cause for dismissal and must be reported. Indifference to duty or to the performance of duty will not be tolerated.”

If an employee is found to be in violation of GCOR Rule 1.5 or any other portion of this policy, they may also be found to be in violation of insubordination and or dishonesty.

- (a) **Testing-BRC Company Policy Reasonable Cause.** Whenever an employee is involved in an accident, an on-the-job injury, a rule violation, or an unsafe act, in which human error may reasonably have been a factor, a supervisor may require the employee to submit to a urine and/or breath test. A supervisor may require all or some employees in a gang, group, or crew involved in an accident, on-the-job injury, rule violation, or unsafe act, to submit to a urine and/or breath test only if individual responsibility is not clear and human error by one or more employees in the gang, group, or crew may reasonably have been a factor. Refusal by an employee to take the test will be handled under the company's discipline system as an act of insubordination. For details concerning this program see the BRC "Reasonable Cause/Suspicion Testing" provisions of this policy. (Also see FRA Post-Accident Testing and FHWA Post-Accident Testing.)
- (b) **Testing-BRC Company Policy Reasonable Suspicion.** Whenever a supervisor has reasonable grounds to suspect an employee is violating GCOR Rule 1.5 (two or more supervisors when drugs are involved), the supervisor may require the employee to submit to a urine and/or breath test. If an employee is suspected of using alcohol, breath testing is the preferred means of confirmation. If the employee refuses the test, the supervisor will utilize physical observation and/or other evidence to determine if the employee should be charged with a violation of Rule 1.5.

NOTE: Whenever federal regulations require reasonable suspicion testing, separate BRC testing will not be done except where the required federal testing cannot be completed in a timely manner.

Where separate BRC testing is conducted, the employee will remain on duty and available for the federal testing even though BRC testing has been completed.

Where separate BRC testing is conducted, BRC reserves the right to test for additional drugs including, but not limited to, those drugs tested for in connection with Federal testing. Such drugs to be tested may include, but are not limited to, barbiturates, methadone, propoxyphene, fentanyl, tramadol, and benzodiazepines.

- (c) **Testing - BRC Company Policy**
Additionally, all managers and police department personnel will be placed in a separate random pool.
- (d) **Testing For Cause – (49 CFR 219.300 and 49 219.301)**

1. Federal Reasonable Suspicion Testing – (49 CFR 219.300)

Covered service personnel and regulated service employees will be required to submit to a federal drug and/or alcohol test whenever a properly trained supervisory employee of BRC has responsible suspicion that a covered employee is currently under the influence of or impaired by a controlled substance or alcohol. Reasonable suspicion must be based on specific, contemporaneous personal observations the supervisor can articulate concerning the employee's appearance, behavior, speech, body odor, chronic effects or withdrawal effects. The observations must be made by at least one qualified supervisor (219.11(g)) who has received proper training in the signs and symptoms of drug use, consistent with standards which meet the FRA regulatory requirements of 219.11 (g). Documentation of this decision must be maintained as required by Part 219 Subpart J.

2. Federal Reasonable Cause Testing – (49 CFR 219.301) Authorized but not required.

A Federal reasonable cause drug and/or alcohol test may be required (employer's decision) when a covered service employee or regulated service employee:

a. Was involved in a qualifying accident/incident (219.301 (b)(2)) and a supervisor has a reasonable belief based on specific and articulable facts that the covered service person's acts or omissions contributed to the occurrence or severity of the accident/incident; or

b. Committed a rule violation described in 219.301(b)(3).

If operating on the tracks of another railroad, this railroad will coordinate with the host railroad and decide how the supervisor on the site will immediately communicate and coordinate decisions to test and who will administer the necessary testing. In all reasonable suspicion and reasonable cause testing cases, the supervisor will ensure that the covered service or regulated service person is transported immediately to a collection site for a timely collection of a urine and/or breath specimen. If the covered service or regulated service person is deemed not fit to return to work, the supervisor will arrange transportation for the person. This is not a federal requirement, but safety will be better assured if accomplished.

Supervisors must document the observations that led them to decide that there was a “reasonable suspicion or cause” to have the covered service person submit to a Federal drug and/or alcohol test.

Refusal of an FRA test will result in removal from covered service or regulated service for at least nine (9) months. Such refusal may also, under BRC policy, be considered an act of insubordination, and could subject an employee to discipline including dismissal.

- (d) **Testing-FHWA Post-Accident Testing.** As soon as practicable following an accident involving a commercial motor vehicle, each surviving driver shall be tested for alcohol and controlled substances:
 - (1) Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or
 - (2) Who received a citation under State or local law for a moving traffic violation arising from the accident.
- (e) **Testing-FRA Post-Accident Testing.** After certain accidents/incidents FRA requires employees to submit to toxicological testing. This requires blood and urine samples to be collected for testing. For details concerning this regulation see “FRA Mandatory Testing” of this policy.
- (f) **Testing- FRA/FHWA Random Drug/Alcohol Testing.** Federal regulations require random alcohol testing in addition to random drug testing for truck drivers required to have commercial driver’s licenses (CDL). A computerized random selection process for the random alcohol and drug testing program has been established for truck drivers who possess a CDL. The testing for alcohol will be done with an evidential breath testing device. Collection, preparation and documentation of samples will be handled by professional collection contractors for both alcohol and drugs.
- (g) **Alcohol Test.** For the purpose of determining the presence of alcohol the Company will act upon the results of a confirmation breath test with an evidential breath testing device approved by the National Highway Traffic Safety Administration and placed on NHTSA’s “conforming Products List of Evidential Breath Measurement Devices” whenever possible.
- (h) **Urine Tests.** For the purpose of determining the presence of controlled substances, the company will act only upon the results of a gas chromatography/mass spectrometry (G.C./M.S.) test performed by a

Department of Health and Human Services (DHHS) certified laboratory on the specimen collected at the time of the incident. The Company will not consider other forms of testing, testing results obtained from non-DHHS certified laboratories, or testing results on a specimen other than the specimen collected at the time of the incident. The Company will consider testing results obtained from a DHHS certified laboratory of the employee's choosing on the split specimen which was obtained at the time of the original testing. Employee must request this testing of the split sample within 72 hours of being notified that the original sample was positive, except as provided by FRA regulations.

- (i) **Blood Tests.** Blood tests will not be offered or considered in connection with drug or alcohol testing, except when blood tests are required by federal regulations such as FRA Mandatory Post-Accident Testing Procedures.
- (j) **Refusal to Permit Testing and Tampering.**
 1. Refusal by an employee to complete and sign the breath and/or urine testing forms, to provide breath and/or urine, to provide an adequate amount of breath and/or urine, or otherwise to cooperate with the testing process in a way that prevents the completion of the breath and/or urine test, constitutes a refusal to provide a breath and/or urine sample and indicates insubordination and dishonesty.
 2. Tampering with a breath and/or urine sample in order to prevent a valid test (e.g. through substitution, dilution, or adulteration of the sample(s)) constitutes a refusal to provide a breath and/or urine sample and indicates insubordination and dishonesty.
- (k) **Discipline.** Any employee found responsible for violation of Rule 1.5 and/or Rule 1.6 will be subject to discipline including dismissal.
- (l) **Prescription Drugs.** If a test discloses the presence of a medication which might adversely affect the safe performance of the employee's duties and which the employee was taking pursuant to a physician's prescription, the employee shall be held responsible for a violation of GCOR Rule 1.5 unless the treating physician made a determination with knowledge of the employee's assigned duties, that use of the medication at the prescribed or authorized dosage level is consistent with the safe performance of the employee's duties and the employee has, at the time the prescription was issued, or prior to next performing service, furnished Company's Director of Risk Management or Human Resources Department with a written statement from the treating physician to this effect. The written statement shall be considered valid by Company for a

maximum of one (1) year; employees must furnish an additional written statement in the event that a prescription drug is prescribed for a time in excess of one (1) year and for each year thereafter, as necessary. If the Company, after a review of the matter including discussion with the Medical Review Officer, (MRO) does not accept the treating physician's opinion, the Company may medically disqualify the employee until it is medically appropriate for the employee to return to service. Any employee who tests positive for marijuana will be considered to be in violation of GCOR Rule 1.5 regardless of whether or not said marijuana was legally prescribed by an employee's physician.

- (m) **Over-The-Counter Medication.** Employees are responsible for the content and the effect of over-the-counter preparations which they take. Some of these preparations cause drowsiness and some contain alcohol. An employee who is taking a preparation which contains alcohol and is breath tested and found to be in violation of rule 1.5 will be subject to investigation.
- (o) Compliance with the requirements of this policy is a condition of employment at the Belt Railway Company of Chicago.

3. **Employee Assistance Program.** In conjunction with FRA regulations prohibiting drug and alcohol use in the railroad industry, the Belt Railway Company has and will continue to have a Voluntary Referral policy - whereby an employee can voluntarily seek help from the Employee Assistance Program Counselor. Also, the Company has a Co-Worker Report Policy, which allows a fellow employee to report a co-worker who has a drug or alcohol problem. This employee is directed to the EAP Counselor without loss of their job. Both policies require an employee to follow a prescribed course of treatment. Described below are the Voluntary Referral and Co-Worker Report policies.

The Belt Railway Company has employed the services of Metropolitan Family Services, 3843 W. 63rd Street, Chicago, IL 60629, toll free phone number 800-905-0994 or 312-663-5600 to help employees and their dependent family members who may have various personal problems, in addition to drug and alcohol addictions. There is no cost to the employee or his eligible family members for Employee Assistance Program services. The EAP Counselor will provide you with information about the benefits that are available to employees.

In conjunction with FRA Regulations prohibiting alcohol and drug use in railroad operations, the Belt Railway Company of Chicago adopted the following revised policies designed to encourage and facilitate the identification of employees who abuse alcohol or drugs and insure that such employees are provided the opportunity to obtain counseling or treatment.

- (a) **Voluntary Referral Policy:** Any employee who is affected by an alcohol or drug use problem may maintain an employment relationship with the Carrier if, prior to being charged with conduct deemed to be sufficient to warrant dismissal, the employee seeks assistance through the Carrier's Employee Assistance program. Such assistance may be requested by the employee or through referral by another employee, union representative, or family member. In order to invoke the benefits of this policy the employee must contact the EAP for instructions either (a) during non-duty, or (b) while unimpaired and otherwise in compliance with GCOR Rule 1.5.

The Company will treat all referrals and subsequent handling, including individual counseling and treatment, as confidential. Confidentiality will be waived however, if (a) the employee at any time refuses to cooperate in a recommended course of counseling or treatment and/or (b) the employee is later determined, after investigation, to have an alcohol or drug related disciplinary offense growing out of subsequent conduct.

The Company will, to the extent necessary for treatment and rehabilitation, grant a leave of absence for the period necessary to complete primary treatment and establish control over the employee's alcohol or drug problem. If necessary, the involved leave of absence will not be less than forty-five (45) days for the purpose of meeting initial treatment needs. Employees will be returned to service upon recommendation of the Substance Abuse Professional (SAP) and upon successful completion of a return to work physical examination, which will include a drug and/or alcohol test.

This Voluntary Referral Policy does not apply to an employee who has previously been assisted by the company under this Policy or who has previously elected to waive investigation under the Co-Worker Report Policy outlined in Paragraph (b) of this notice.

- (b) **Co-Worker Report Policy:** Any employee may maintain an employment relationship with the Company following an alleged first offense under GCOR Rule 1.5 and/or federal regulations, provided the alleged violation comes to the Company's attention as a result of a report by a co-worker that the employee was apparently unsafe to work with, or was, or appeared to be, in violation of GCOR Rule 1.5.

If the employee is determined by a Company Supervisor or Official to be in violation of Rule 1.5 and/or federal regulations, the Supervisor or Official will remove the employee from service in accordance with existing policies and procedures.

The employee will be notified of the GCOR Rule 1.5 violation charge in accordance with applicable agreement rules where required. Along with the notice of Investigation the employee will be furnished an option form on which he/she can select one of the following options:

- (1) Will attend investigation on GCOR Rule 1.5 and/or federal regulations violation charge(s); or
- (2) Will contact the Company's Human Resources Department on the same date the Notice of Investigation is received and will indicate a willingness to enroll and participate in an approved rehabilitation program with the understanding that:
 - (i) The GCOR Rule 1.5 charge investigation will be held in abeyance,
 - (ii) The employee will continue to remain out of service, and
 - (iii) The employee will be carried on the company's records as being off due to illness.

(3) The Human Resources Department will refer the employee to the Employee Assistance Professional/Substance Abuse Professional (EAP/SAP) who will schedule interviews with the employee and complete an evaluation within ten (10) calendar days of the date on which contacted by the employee for evaluation under the policy, unless it becomes necessary to refer the employee for further evaluation. In each case, all necessary evaluation will be completed within twenty (20) days of the date on which the employee contacts the EAP/SAP or his or her representative.

If the EAP/SAP determines that the employee is affected by psychological or chemical dependence on alcohol or a drug or by another identifiable and treatable mental or physical disorder involving the abuse of alcohol or drugs as a primary manifestation, the Company will:

- (i) Grant the employee a leave of absence for the period necessary to complete primary treatment and establish control over the alcohol or drug problem. If necessary, the involved leave of absence will not be less than forty-five (45) days for the purpose of meeting initial treatment needs.
- (ii) The employee will be expected to undertake and successfully complete a course of treatment deemed acceptable by the EAP/SAP.

- (iii) The employee will be promptly returned to service, on recommendation of the EAP/SAP, when the employee has established control over the substance abuse problem and successfully completes a return to work medical examination, including a federal alcohol and/or drug return to work test.

As a further condition of withholding of discipline, the employee, following return to service, will be required to participate in a program of follow up treatment, which will include periodic federal follow-up alcohol and/or drug tests for hours of service employees, in addition to periodic follow up tests per the EAP/SAP's recommendation, for a period of up to five (5) years from the date the employee was originally withdrawn from service.

If the EAP/SAP determined that the employee is not affected by an identifiable and treatable mental or physical disorder:

- (i) The employee will be returned to service within five (5) days after completion of the evaluation, will involve a return to work physical exam, including an alcohol & drug test
- (ii) The employee will be expected to participate in a program of education and training concerning the effects of alcohol and drugs on occupational or transportation safety during and/or following the out-of-service period.

Any employee, who elected option (2) of Section (b) and fails to enroll in the recommended rehabilitation program within the prescribed period or, after enrolling, fails to continue participation in the program will be considered as having elected option (1) of Section (b). Under such circumstances any provision of any applicable agreement rule providing a time limit from the date of incident in which the investigation must be held will be considered waived.

Upon being notified by the EAP/SAP of such fact, the Carrier will reschedule the investigation to be held within ten (10) days of such notification.

For the purpose of applying this Policy, the term "Co-Worker" shall NOT be defined to include:

- (i) Non-contract Officers and Supervisors
- (ii) Diesel Shop Foremen

- (iii) Car Department Foreman and Assistant Foreman
- (iv) Electrical Foreman and Plumber Foreman
- (iv) All Belt Railway Police Department Personnel

**THE BELT RAILWAY COMPANY OF CHICAGO
REASONABLE CAUSE/SUSPICION *NON-FEDERAL* TESTING**

THE BRC REQUIRES BREATH AND URINE TESTING FOR REASONABLE CAUSE/SUSPICION UNDER THE FOLLOWING CIRCUMSTANCES:

Breath and urine tests are required of employees when:

- (a) Damage to railroad property occurs because of a train accident, and the supervisory employee has a reasonable suspicion that the employee's acts or omissions contributed to the accident.
- (b) An injury occurs as a result of an accident/incident and the supervisory employee has a reasonable suspicion that the employee's acts or omissions contributed to the reportable injury.
- (c) A company vehicle accident, on-duty vehicle accident or a machinery accident occurs, causing damage and the supervisory employee has a reasonable suspicion that the employee's acts or omissions contributed to the accident.
- (d) An employee's acts or omissions have resulted in an incident where equipment touches an energized wire or causes an arc.
- (e) Employees are involved in a physical altercation while on company property or on duty.
- (f) An employee has been directly involved in one of the following rule violation(s) or error(s):
 - (1) Occupying or fouling the main track with equipment without proper authority and/or proper protection.
 - (2) Failure to provide protection as required by General Code of Operating Rules 5.12, Protection of Occupied Outfit Cars, or Rule 5.13, Blue Signal Protection for Workmen.

- (3) Alignment of switch in violation of rules, operating a switch under a train or engine or traversing an improperly-lined switch.
- (4) Failure to stop for a derail or failure to place a derail in proper position.
- (5) Failure to secure equipment as required by rule.
- (6) Leaving a train or car fouling an adjacent track without proper protection.
- (7) Non-compliance with any timetable, signal indication, special instruction or rule that involves the following:
 - Unauthorized occupancy of track.
 - Failure to clear a track for other trains as required.
 - Unauthorized movement over a railroad crossing at grade.
 - Passing an absolute signal displaying a stop indication without stopping or a restrictive signal without stopping if required.
 - Entering a track under "blue flag" protection.
 - Passing a red flag without permission.
 - Failure to comply with track side detector procedures.
 - Failure to protect a train as required.
 - Operation of a train at a speed that exceeds the maximum authorized speed by 10 MPH or 50% of maximum speed, whichever is less.
 - Movement at a speed that does not permit stopping as required.
- (8) Issuance of track authority or establishment of a route that fails to properly protect a train and/or equipment.
- (g) An employee may be tested when involved in other incidents, rule violations or unsafe acts in which human error may reasonably have been a factor.
- (h) A supervisory employee (usually an officer) has reasonable suspicion that an employee is under the influence of or impaired by alcohol, alcohol in combination with a controlled substance, or a controlled substance (at least two supervisors when only a controlled substance is involved) based upon appearance, behavior, speech or body odors of the suspected employee. Hours of service employees and truck drivers required to have commercial driver's licenses are governed by federal regulation under "Reasonable Suspicion."

NOTE: Employees must be held on duty until it is determined if testing is required. Testing must be started within 8 hours of your notification of the incident that required testing. Employees will not be recalled

for testing once released or their tour of duty has ended and they have left Company property.

FRA MANDATORY TESTING PROGRAM

EFFECTIVE JANUARY 1, 1996

(Amended and Revised December 1, 2002, December 1, 2006, August 1, 2009, January 1, 2014, September 1, 2015, January 1, 2018)

BRC employees who have questions concerning the FRA Mandatory Testing Program may contact:

Gerald J. Conoboy
Chief of Police and Director of Risk Management
Designated Employer Representative (DER)
The Belt Railway Company of Chicago
6900 S. Central Avenue
Bedford Park, IL 60638
(708) 496-4076

1. Employees subject to this alcohol/drug testing program are hours of service employees which include hostlers, dispatchers, signalmen or employees working on the signal system, trainmen, utility employees, and enginemen. It covers any employee who may be performing the functions of these employees.
2. Employees performing service as Maintenance of Way Workers, as defined in 49 CFR 214.7 are also subject to testing under this section.
3. The above identified employees are all engaged in or connected with the movement of trains. It is for this reason their functions are safety sensitive and are subject to this testing program whenever they are performing any of these safety sensitive functions or are available to perform these functions.
4. Conduct prohibited by FRA regulations:
 - (a) No employee may use or possess alcohol or any controlled substances while assigned by a railroad to perform covered service;
 - (b) No employee may report for covered service, or go or remain on duty in covered service while;
 - (1) under the influence of or impaired by alcohol;

- (2) having .04 percent or more alcohol concentration in the breath or blood; or
 - (3) under the influence of or impaired by any controlled substance.
- (c) No employee may use alcohol for whichever is the lesser of the following periods:
 - (1) within 4 hours of reporting for covered service; or
 - (2) after receiving notice to report for covered service.
- (d) No employee tested under the provisions of this part whose test result indicates an alcohol concentration of .02 or greater but less than .04 shall perform or continue to perform covered service functions for a railroad, nor shall a railroad permit the employee to perform or continue to perform covered service, until the start of the employee's next regularly scheduled duty period, but not less than eight hours following administration of the test.
- (e) Controlled Substances - Controlled substances are grouped as follows: Marijuana, narcotics (such as heroin and codeine), stimulants (such as cocaine and amphetamines), depressants (such as barbiturates and minor tranquilizers), and hallucinogens (such as drugs known as PCP and LSD). Controlled substances include illicit drugs (Schedule I), drugs that are required to be distributed only by a medical practitioner's prescription or other authorization (Schedules II through IV, and some drugs on Schedule V), and certain preparations for which distribution is through documented over-the-counter sales (Schedule V only).
- (f) Railroad Rules - Nothing in this section restricts a railroad from imposing an absolute prohibition on the presence of alcohol or any drug in the body fluids of persons in its employ, whether in furtherance of the purpose of this part or for other purposes. Under BRC's policy a positive drug test or a .02 or greater alcohol breath test is a violation of GCOR Rule 1.5.

5. Employees will be tested under:

- (a) Random Testing program:
 - 1. Hours of Service - (Federal)

2. Commercial Drivers License (CDL) - (Federal)

3. Managers and Police (Non-Federal)

- (b) Reasonable Suspicion
- (c) For Cause (Federal and/or Non-Federal)
- (d) Post-Accident Testing (Federal)

(For details refer to Belt Railway Company of Chicago's Alcohol and Drug Use Policy).

6. Procedures used for Test:

(a) With respect to drug tests:

- (1) Testing laboratory will be DHHS certified.
- (2) Contracts with testing laboratories will permit unannounced inspection.
- (3) Specimens provided under this program will be tested for marijuana, cocaine, phencyclidine (PCP), opiates (morphine and codeine), and amphetamines (amphetamine and metamphetamine). "Split sample" method will be used. Specimens may be tested for additional drugs, including over-the-counter and prescription drugs, upon reasonable suspicion that an additional drug may be present in an employee's system.

Where separate BRC testing is conducted, BRC reserves the right to test for additional drugs including, but not limited to, those drugs tested for in connection with Federal testing. Such drugs to be tested may include, but are not limited to, barbiturates, methadone, propoxyphene, fentanyl, tramadol, and benzodiazepines.

- (4) Specimens provided under this program will be used only for the purpose stated in writing to the employee and not for any other testing.
- (5) A standard form will be used to document custody and control of samples.

- (6) Agreements with collection contractors will require them to collect samples according to procedures described in federal regulations. Collection locations will normally be “on site,” except for FRA post accident testing which will be performed at an approved medical facility. Where necessary, modifications will be made to restrooms or other planned collection facilities to comply with federal regulations.
 - (7) The agreement with the testing laboratory will require the laboratory to maintain quality assurance and quality control programs.
 - (8) Reporting and review of results will be through a Medical Review Officer, (MRO).
- (b) With respect to alcohol tests:
- (1) Agreements with collection contractors will require:
 - (i) The contractor will provide collectors who are qualified as Breath Alcohol Technicians (BAT).
 - (ii) The contractor will provide evidential breath testing devices (EBT) that meet the requirements of federal regulations, and shall follow manufacturer's quality assurance plans.
 - (iii) BATs will follow procedures for breath alcohol testing provided in federal regulations;
 - (iv) BRC will have the right to inspect the contractor’s devices and records to assure compliance with applicable federal regulations.
 - (2) Test locations will comply with federal regulations. “On-site” test locations will normally be utilized.

7. Employees must submit to testing.

- (a) Any employee who performs covered service for a railroad shall be deemed to have consented to testing and consent is implied by performance of such service.
- (b) Each such employee shall participate in such testing, as required under the conditions set forth above.

8. Refusals - Unlawful refusal occurs when the employee refuses to provide a breath or body fluid sample or samples when required under a mandatory provision of federal regulations. Failure of employee to complete and sign Step 2 of the alcohol test form also constitutes a failure, and if the employee refuses to cooperate with the urine collection process the non-cooperation will be documented.

(a) Urine Samples

- (1) The collector shall determine if at least 30 milliliters (ml) of urine for the primary bottle A and, at least 15 ml of urine for the split specimen bottle B has been collected.
- (2) If the individual is unable to provide such a quantity of urine, the collector shall instruct the individual to drink not more than forty (40) ounces of fluid and, after a period of up to three (3) hours again attempt to provide a complete sample using a fresh collection container, the original insufficient specimen shall be discarded.
- (3) If the employee is still unable to provide an adequate specimen, the insufficient specimen shall be discarded, testing discontinued, and the employer notified. The MRO shall refer the individual for medical evaluation to develop pertinent information concerning whether the individual's inability to provide a specimen is genuine or constitutes a refusal to test.
- (4) Other examples of a refusal to take a drug test include:
 - * If the employee dilutes, substitutes or otherwise adulterates their urine specimen.
 - * Failing to appear for any test within a reasonable time, as determined by the employer, after being directed to do so by the employer.
 - * Failing to remain at the testing site until the testing process is complete.
 - * Failing to provide a urine specimen for any drug test required by company policy or federal regulations.
 - * 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 the specimen.

* Failing to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure.

* Failing or declining to take an additional drug test the employer or collector has directed an employee to take.

* Failing to undergo a medical examination or evaluation, as directed by the Medical Review Officer (MRO) as part of the verification process, or as directed by the DER.

* Failing to cooperate with any part of the testing process (e.g. refusing to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process).

(b) Breath Samples

(1) An employee who refuses to provide breath or body fluid sample or samples when required to by the railroad under a mandatory provision of federal regulations shall be deemed disqualified for a period of 9 months.

(2) Prior to or upon withdrawing the employee from covered service under this section, the railroad shall provide notice of the reason for this action.

(3) The disqualification shall apply with respect to employment in covered service by any railroad.

(4) The requirement of disqualification for 9 months does not limit any discretion on the part of the railroad to impose additional sanctions for the same or related conduct. (See BRC Alcohol and Drug Use Policy).

(5) Other examples of a refusal to take a breath test include:

*Failing to appear for any test within a reasonable time, as determined by the employer, after being directed to do so by the employer.

* Failing to remain at the testing site until the testing process is complete

* Failing to provide an adequate amount of saliva or breath for any alcohol test.

* Failing to provide a sufficient breath specimen, and the physician has determined, through a required medical evaluation, that there was no adequate medical explanation for the failure.

* Failing to undergo a medical examination or evaluation, as directed by the employer as part of the federal insufficient breath procedures.

* Failing to sign the certification at Step 2 of the alcohol testing form.

* Failing to cooperate with any part of the testing process.

9. Violation of FRA regulations (Item 3) or applicable BRC's rules.

(a) Positive drug or Positive alcohol test of .02 or above:

(1) Employee will immediately be removed from service.

(2) A formal investigation will be convened within the period specified in the applicable collective bargaining agreement.

(3) Separate findings as to compliance with FRA regulations and applicable BRC rules will be made.

(b) Reinstatement-See BRC Alcohol and Drug Use Policy.

10. Information concerning alcohol and drug misuse:

(a) See "Understanding the Impact Of Substance Abuse" enclosed.

(b) Questions concerning counseling and treatment programs,

Contact: Metropolitan Family Services
Phone No. (800) 905-0994

11. The FRA requires mandatory urine and blood testing following certain accidents/incidents. Rail/Highway grade crossing accidents and accidents wholly caused by natural causes (Acts of God) or vandalism are excluded from FRA mandatory testing.

(a) Circumstances that require testing:

(1) When a derailment or collision occurs resulting in;

(i) At least *\$10,500 damage to railroad property **AND** a fatality:

OR

(ii) At least *\$10,500 damage to railroad property **AND** a leak of hazardous material from railroad equipment causing the evacuation one or more persons from the area;

OR

(iii) At least *\$10,500 damage to railroad property **AND** a leak of hazardous material from railroad equipment that causes a reportable injury from the hazardous material;

OR

(iv) At least *\$1,000,000 damage to railroad property.

OR

(v) Any fatal train incident occurring to any on duty railroad employee involving the movement of on track equipment requires the testing of covered or non-covered employees.

(2) When a head-on collision, rear-end collision, side collision, a collision between trains at a railroad crossing, a switching collision, or impact with a deliberately placed obstruction, such as a bumping post, occurs result in:

(i) At least *\$10,500 damage to railroad property **AND** a reportable injury;

OR

(ii) At least *\$150,000 damage to railroad property.

NOTE: An impact does not include an accident in which the derailment of equipment causes an impact with other rail equipment, a raking collision, an impact due to clearance limitations or an impact of rail equipment with obstructions such as fallen trees, rock or snow slides, livestock, etc.

- (3) Any train incident that involves a fatality to any on-duty hours of service railroad employee.
- (4) When a train accident, involving a passenger train, occurs resulting in at least *\$10,500 damage to railroad property and a reportable injury to any person.

*** Where a dollar threshold is specified this number is subject to period review and adjustment based on cost parameters at the sole discretion of the Federal Railroad Administration (FRA). Where a dollar threshold is specified, the current FRA Accident/Incident Reporting Threshold will govern all compliance with this policy.**

(b) EMPLOYEES TO BE TESTED UNDER THE ABOVE CIRCUMSTANCES:

- (1) All operating employees assigned as crew members of any train, including pilot, must provide blood and urine samples. The remains of any fatally injured employee must be tested.
- (2) An employee is excluded from testing if the railroad representative can immediately determine that the employee had no role in the cause in an accident covered by (a)-(2), (3), or (4). In (a)-(1) all crew members will be tested. Remember, highway grade crossing, acts of God, and vandalism causes are excluded.
- (3) Operator, dispatcher, signal maintainer or other employee covered by the Hours of Service Law directly involved during the time of the accident/ incident must provide blood and urine samples. Employee must be held on duty until it is determined if testing is required. If an accident occurred during their tour of duty, they may be recalled for testing. If an accident occurs after their tour of duty they may be recalled if the employee could not be retained in duty status because the employee went off duty under normal carrier procedures prior to being contacted by a railroad supervisor and

instructed to remain on duty pending completion of the investigation.

*Railroad property damage is defined as all on-track equipment (engines, cars, and work equipment), signals, and track damage. Damage threshold is subject to FRA revision.

NOTE: The above applies to accidents/incidents of any on-track equipment but only to hours of service employees or regulated service employees, except item (1)-(iv).

- (4) Blood and urine samples must be provided as soon as possible after the accident or incident; however, employees may perform duties immediately afterwards that may be necessary to preserve life or property in which case they must be relieved as soon as possible. Also, you may consider the safety and convenience of passengers.

(c) TESTING LIMITATIONS UNDER FRA MANDATORY TESTING

- (1) BRC urine testing is **NOT** authorized in an event subject to FRA mandatory urine and blood testing.
- (2) Breath testing is authorized by BRC, if such testing does not materially impede the collection of samples required under mandatory testing.

12. FRA MANDATORY REASONABLE SUSPICION TESTING

Testing is required when the railroad has reasonable suspicion the employee:

- (a) Has violated any federal prohibition concerning the use of alcohol. The required observation must be made by a supervisor trained in the signs and symptoms of alcohol influence, intoxication and misuse.
- (b) Has violated any federal prohibition concerning the use of controlled substances. The required observations must be made by two supervisors, one of which is trained in the signs and symptoms of drug influence, intoxication and misuse.

13. The BRC utilizes the following professional services:

1. **Medical Review Officers:**

Dr. Benjamin Gerson
University Services
10551 Decatur Road, Suite 200
Philadelphia, PA 19154
Ph. 800-624-3784, Fax: 215-637-6984

Dr. Edward J. Pillar, D.O.
Excel Occupational Health Clinic
5015 W. 65th Street
Bedford Park, Illinois 60638
Ph. 708-924-8000, Fax 708-924-8008

Dr. Joseph P. Laluya, D.O.
Excel Occupational Health Clinic
5015 W. 65th Street
Bedford Park, Illinois 60638
Ph. 708-924-8000, Fax 708-924-8008

2. Testing Service:

Acosta Medical Testing Corporation
1010 - 165th Street
Hammond, IN 46324
Janie Acosta, RN - CEO
Ph. 800-578-2681, Fax: 219-932-2344

3. Testing Laboratory:

University Services
10551 Decatur Road, Suite 200
Philadelphia, PA 19154
Ph. 800-624-3784, Fax: 215-637-6984

4. Medical Facilities:

Concentra Urgent Care
Manager - Amy Gattone
6500 W. 65th Street
Chicago, IL 60638
Ph. 708-496-1515, Fax 708-496-1788

Excel Occupational Health Clinic
5015 W. 65th Street
Bedford Park, Illinois 60638
Ph. 708-924-8000, Fax 708-430-2372

5. Substance Abuse Professionals (SAPs)

a. Ms. Priscilla Murphy Kang
Metropolitan Family Services
One North Dearborn, Suite 1000
Chicago, IL 60602
Ph: 800-905-0994 and 312-663-5600

b. Thomas Reed, LCSW
Thomas Reed & Associates
16284 Prince Drive
South Holland, Illinois 60473
708-333-4357

and

9601 w. 165TH Street, Suite 6
Orland Park, Illinois 60467
708-333-4357

c. Crossmont and Associates
10522 S. Cicero Avenue
Oak Lawn, Illinois 60453
708-229-0700

d. Associates in Clinical Psychology and Substance Abuse
18132 Martin Avenue
Homewood, Illinois
708-957-3662

and

1150 W. Jefferson Street
Joliet, IL 60435
815-741-8600

e. Confidential Care
701 Superior Avenue, Suite L
Munster, Indiana 46321
219-934-6410