ALL ABOARD

POLICIES & PROCEDURES

Drug- and Alcohol-Free Workplace Program @ 4,545

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The purpose of this policy is to affirm Amtrak's commitment to a drug- and alcohol-free workplace, establish expectations regarding testing events, and confirm support for employees who proactively self-refer for treatment or are in recovery from substance abuse.

Amtrak Policy and Instruction Manual (https://allaboard.amtrak.com/s/article/Amtrak-Policy-and-Instruction-Manual)

SUBJECT: Drug- and Alcohol-Free Workplace Program

CLASSIFICATION: Human Resources DATE APPROVED: January 1, 2020 LAST REVIEWED: January 10, 2020

P/I NUMBER: 7.3.5

APPROVED: Richard H. Anderson, President and Chief Executive Officer

REVISION NO.: 5 SUPERSEDES: 7.3.4

1.0 RESPONSIBILITY

The Vice President of Human Resources is responsible for the interpretation and administration of this policy.

2.0 PURPOSE

The purpose of this policy is to affirm Amtrak's commitment to a drug and alcohol-free workplace, establish expectations regarding testing events, and confirm support for employees who proactively self-refer for treatment or are in recovery from substance abuse. Testing guidelines and procedures can be found https://amtrakepw.my.salesforce.com/sfc/p/41000000MN3Q/a/1K0000023WTP/HhXjA3eHLul8x.7ZWRWx.JdISqpyQ1ZXmal4GekCkDU).

3.0 SCOPE

This policy applies to current and prospective employees, contractors and volunteers.

4.0 <u>DEFINITIONS</u>

- 4.1 <u>Adulterated Specimen</u>. A specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.
- 4.2 <u>Designated Employer Representative</u>. Pursuant to 49 CFR part 40, the Designated Employer Representative (DER) is an employee authorized by Amtrak to make required decisions in the testing and evaluation process and to take immediate action to remove employees from safety-sensitive duties, when warranted.
- 4.3 <u>Regulated Persons</u>. For purposes of this policy, a "regulated" person means a current or probationary employee, volunteer or contractor performing duties (or an individual applying to perform duties) described herein, or who is subject to performing such service, regardless of whether the person has actually performed or is currently performing such service:
- Duties regulated by the Federal Hours of Service Laws (49 U.S.C. §§ 21101-21108) (for example, train and engine employees, dispatchers, signal employees, and employees working on cab signals);
- Duties as a Maintenance-of-Way (MOW) worker as described in the definition of "Roadway Worker" in 49 CFR § 214.7; and / or
- · Duties as a CDL / CMV holder.
- 4.4 <u>Non-Regulated Persons</u>. For purposes of this policy, all other Amtrak employees, prospective employees, contractors or volunteers not identified in Section 4.3 above, are referred to as "non-regulated persons".
- 4.5 <u>Co-worker</u>. An employee who holds a similar level of employment in the company. For example, all agreement employees who are not supervisors are co-workers. Management employees who are the same or lower band/zone are co-workers.
- 4.6 <u>Medical Review Officer</u>. A non-employee who is a licensed physician and who is responsible for receiving, reviewing, and reporting laboratory results generated by Amtrak's drug testing program and evaluating medical explanations for certain drug test results.

5.0 POLICY

Amtrak is committed to protecting the safety and security of its employees, customers and the general public. It is the policy of Amtrak to maintain a Drug and Alcohol-Free Workplace Program that educates employees on the effects of drug and alcohol abuse, trains supervisors to detect drug or alcohol abuse, encourages proactive self-referral for treatment, supports employees in recovery, and applies appropriate drug testing protocols, in a manner that balances respect for employees with the need to maintain a safe work environment.

6.0 EMPLOYEE RESOURCES

- 6.1 <u>Employee Assistance Program</u>. Early recognition and treatment of drug and/or alcohol abuse is important for successful rehabilitation. Amtrak will assist and support employees who voluntarily seek help for drug and / or alcohol abuse before becoming subject to discipline under this or other policies. Employees are encouraged to seek assistance from Amtrak's 24-7 free, voluntary and confidential **Employee Assistance Program (EAP) at (844) 268-7251** or through their employee health plan.
- 6.2 <u>Peer Prevention</u>. Employees may also contact the **Prevention Intervention Education & Resources (P.I.E.R) hotline at (800) 447-2562** for access to drug and alcohol information, education and resources.
- 6.3 <u>Excused Absence</u>. Employees under the influence of drugs or alcohol should not report to work regardless of the consequences of their absence from work. Employees may receive up to three (3) excused absences during their career at Amtrak for the purpose of marking off rather than coming to work while under the influence. Absences greater than three (3) will be handled in accordance with attendance policies.

7.0 CO-WORKER INTERVENTION

- 7.1 Good-Faith Co-Worker Report. A co-worker report, referred to as a co-worker intervention (CI) acknowledges that employees are often in the best position to urge a co-worker to seek help and keep the workplace safe. If, based on his or her own observation, an employee has a good faith belief that a co-worker is working in an unsafe condition due to being impaired by drugs or alcohol, the co-worker is encouraged to report that belief to the potentially impaired employee's manager or, if unavailable or unknown, a member of his/her own chain- of-command, as soon as possible after the observation is made. If neither manager is available, the co-worker should contact any member of the Amtrak management team to initiate the co-worker intervention (CI) process.
- 7.2 Non-Disciplinary Evaluation. An Employee identified through the Co-Worker Intervention (CI) process is required to complete a drug and alcohol evaluation with an EAP counselor. Should the EAP evaluation result in a recommendation for a prescribed course of treatment and the referred employee complies with that course of treatment, there shall be no disciplinary action to the employee regarding the incident. Amtrak employees are entitled to one (1) Co-Worker Intervention incident without disciplinary recourse in a ten (10) year period.
- 7.3 <u>Follow Up Following Co-Worker (CI) Intervention</u>. Employees are subject to unannounced follow-up testing for up to twenty-four (24) months from the time that they were removed from service. To learn more about CI Intervention, click <u>here (https://allaboard.amtrak.com/s/article/Manager-Guide-to-a-Co-Worker-Intervention-CI)</u>.

For more on the Co-Worker Intervention Process, click here (https://allaboard.amtrak.com/s/article/Manager-Guide-to-a-Co-Worker-Intervention-CI).

8.0 TRAINING

- 8.1 <u>Reasonable Suspicion Training</u>. All managers and ARASA supervisors are required to complete Reasonable Suspicion Training CBT by September 30 each year.
- 8.2 <u>Drug and Alcohol Prevention</u>. All employees are strongly encouraged to complete Drug and Alcohol Prevention training each year and managers are required to do so.
- 8.3 <u>FRA Post-Accident Toxicological Testing Training</u>. All managers and supervisors of regulated service persons are required to complete training once every two (2) years on post-accident collections and qualifying criteria for FRA post-accident testing.

9.0 PROHIBITIONS

In support of Amtrak's commitment to a drug and alcohol-free workplace, the following prohibitions apply when engaged in work on or off Amtrak premises; in company-supplied lodging during layovers; operating an Amtrak vehicle or piece of equipment (or any vehicle in furtherance of Amtrak business); commuting on rail pass privileges; or while wearing an Amtrak uniform or lanyard:

- 9.1 <u>Manufacture, Distribution, Sale, Possession, Use or Presence</u>. The manufacture, distribution, dispensing, sale, possession, use or presence in the body of illicit drugs or alcohol or controlled substance 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;
- 9.2 <u>Possession of Paraphernalia</u>. The possession of drug or alcohol paraphernalia or evidence of the consumption of alcohol or drugs, such as opened alcohol bottles or syringes;

- 9.3 <u>Possession / Use of Adulterants</u>. 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;
- 9.4 <u>Impairment at Work</u>. The reporting for duty or remaining on duty or on Amtrak property while impaired by illicit drugs or prescription medications or when an employee's ability to work safely is impaired by alcohol (at a breath-alcohol concentration greater than or equal to 0.02%), controlled substances or illicit drugs;
- 9.5 Interference with a Testing Event / Failure to Test. The refusal to cooperate with a drug and/or alcohol testing event; engaging in conduct that obstructs, manipulates or attempts to interfere with the testing process; failing to provide a urine, oral fluid or hair sample when directed including marking off or leaving the workplace once a testing event has been announced.
- 9.6 Failure to Comply with Recommended Treatment. 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.
- 9.7 "Hours of Service" Employees. In addition to 9.1 through 9.6 above, pursuant to 49 CFR Part 219, for employees governed by the Hours-of-Service Act, the 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).
- 9.8 CDL License Holders. In addition to 9.1 through 9.6 above, pursuant to 49 CFR Part 382, active CDL license holders are prohibited from the following:
 - 9.8.1 Alcohol Consumption. The use of alcohol during the four (4) hours before performing CDL/CMV duties;
 - 9.8.2 Post-Accident Alcohol Use. Use of alcohol for up to eight (8) hours following an accident or until the driver undergoes a post-accident test;
- 9.9 <u>Warning of Testing Event</u>. Notifying an employee of an impending testing event or potential testing event for the purpose of allowing the employee to absent himself or herself from the workplace and avoid the test or possible test.

10.0 MEDICATIONS

All employees are responsible for ensuring their medical conditions, medications, and over the counter supplements do not interfere with their ability to safely perform their duties. No employee may work when using any medication that has the potential to interfere with safe performance of his or her job duties at any time. Employees may not report for, or remain on duty, when their alertness, judgment, coordination or cognitive function are adversely affected by any prescribed or over-the-counter medication, including products containing alcohol.

- 10.1 <u>Prescription Medicines that are on the Test Panel</u>. If a testing event results in a positive test, the employee will be required to provide the Medical Review Officer (MRO) documentation to substantiate a valid medical explanation for the test result. The documentation required is determined by the MRO but will include requiring proof of a current and valid prescription. Only the MRO can determine whether a legitimate medical explanation exists for the test result and if so, will report the test to Amtrak as negative.
- 10.2 Restricted Medication List. Notwithstanding Section 10.1 above, in the interest of safety, Amtrak restricts the use of certain medications. Employees are required to consult the Restricted Medication list

(https://amtrakepw.my.salesforce.com/sfc/p/#41000000MN3Q/a/1K000000OCXy/loP6SNmKPfT_vU7DagBX.PlmeXfPY84T7g.PD_oaSMo) for a list of these medications. Employees are responsible for ensuring the prescribing healthcare provider is aware of the restricted medication list and for ensuring their medication use is consistent with the restrictions.

In rare instances exceptions may be made through Medical Services depending on the position the employee holds, and the healthcare provider provides satisfactory documentation to Medical Services attesting to knowledge of the employee's safety sensitive duties and that there is no impairment from the medications as prescribed.

10.3 Work Duties Restriction. Amtrak reserves the right to evaluate and determine the employee's work duties if it is deemed 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.

11.0 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.

12.0 NOTIFICATION OF ARREST OR CONVICTION

To ensure the safety and wellbeing of all employees and passengers Amtrak requires that employees report arrests and/or convictions. Certified Conductors, Certified Locomotive Engineers (including all classes of certification under 49 CFR §240 and 242) or persons seeking initial certification as a locomotive engineer or conductor, 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. This includes anyone holding the certification, even if they are not performing the role. 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. All other employees must report any drug or alcohol-related arrest or conviction. Incidents that point to a possible drug or alcohol problem will be referred to the EAP for assessment and timely behavioral health intervention when indicated.

- 12.1 <u>Arrests</u>. Employees 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 at (866) 908-7231 as soon as possible. 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.
- 12.2 <u>Convictions</u>. In accordance with Amtrak policy, employees must notify Amtrak of any criminal conviction (including convictions involving drugs or alcohol) within 48 hours of the conviction by calling 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; and
- · Phone number for a return call.
- 12.3. Amtrak Police Department. Sworn members of the Amtrak Police Department (APD) should follow APD Operations Guide 320 (OG 320).

13.0 TESTING EVENTS

All employees are deemed to have consented to drug and alcohol testing as required under this policy. Consent is implied as a condition of employment. In order to deter drug and alcohol misuse and maintain a safe and productive workplace, Amtrak administers drug and alcohol testing under federal and company authority.

- 13.1 <u>Federal Authority</u>. Regulated persons are subject to the following testing events. All tests performed under federal authority must adhere to the requirements set out in the Drug and Alcohol-Free Workplace Program Guidelines and Procedures.
 - 13.1.1 <u>Pre-placement</u>. All prospective employees who will be performing regulated service as well as current employees transferring from a non-regulated position into a regulated position are required to submit to a drug test. Employees may begin performing safety-sensitive duties only after a negative drug test result has been received. Click <u>here</u>
 (https://amtrakepw.my.salesforce.com/sfc/p/41000000MN3Q/a/1K0000023W7Y/hRQV3M0KTNZId.LpPsKhQhY3Djkde6K1kViX5uQlwmc) for further guidance on pre-placement testing.
 - 13.1.2 <u>Reasonable Suspicion</u>. All regulated persons are subject to drug and / or alcohol testing when there is a reasonable suspicion that the 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. Click <u>here</u>

(https://amtrakepw.my.salesforce.com/sfc/p/41000000MN3Q/a/1K0000023W7Y/hRQV3M0KTNZId.LpPsKhQhY3Djkde6K1kViX5uQlwmc) for further guidance on reasonable suspicion testing.

- 13.1.3 Random Testing. Regulated persons are subject to unannounced random drug testing. Click https://amtrakepw.my.salesforce.com/sfc/p/41000000MN3Q/a/1K0000023W7Y/hRQV3M0KTNZId.LpPsKhQhY3Djkde6K1kViX5uQlwmc) for further guidance on random testing.
- 13.1.4 Return-to-Duty Following Positive Test / Follow Up. Notwithstanding Section 15.0 below, a regulated person who returns to duty following a positive test result is required to take an observed drug and/or alcohol test before returning to safety-sensitive functions. Also, such employees are subject to unannounced follow-up testing at least six (6) times in the first twelve (12) months and up to sixty (60) months as directed by a Substance Abuse Professional or EAP Counselor.
- 13.1.5 <u>FRA Post-Accident Toxicological</u>. Regulated persons involved in certain serious accidents are subject to drug and alcohol testing and are required to remain available for testing following the accident. To learn more about the requirements for post-accident testing, click <u>here</u> (https://amtrakepw.my.salesforce.com/sfc/p/41000000MN3Q/a/1K0000023W7Y/hRQV3M0KTNZId.LpPsKhQhY3Djkde6K1kViX5uQlwmc).
- 13.2 <u>Company Authority</u>. Amtrak retains the right to conduct additional testing events as it deems appropriate and necessary to maintain a drug and alcohol-free workplace. The following tests are conducted under company authority using urine, oral fluids or hair specimens, as appropriate.

- 13.2.1 <u>Pre-placement</u>. All prospective employees are required to submit to drug testing. Employees may begin work only after a negative drug test result has been received. Click <u>here</u>
- (https://amtrakepw.my.salesforce.com/sfc/p/41000000MN3Q/a/1K0000023W7Y/hRQV3M0KTNZld.LpPsKhQhY3Djkde6K1kViX5uQlwmc) for further guidance on pre-placement testing.
- 13.2.2 <u>Reasonable Suspicion</u>. All employees are subject to a drug or alcohol test when a trained supervisor suspects the 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. Click <u>here</u>

(https://amtrakepw.my.salesforce.com/sfc/p/41000000MN3Q/a/1K0000023W7Y/hRQV3M0KTNZId.LpPsKhQhY3Djkde6K1kViX5uQlwmc) for additional information on reasonable suspicion testing.

- 13.2.3 <u>Random</u>. Certain management (non-agreement) employees are subject to unannounced random drug testing. Click <u>here</u> (https://amtrakepw.my.salesforce.com/sfc/p/41000000MN3Q/a/1K0000023W7Y/hRQV3M0KTNZId.LpPsKhQhY3Djkde6K1kViX5uQlwmc) for additional information on random testing.
- 13.2.4 <u>Return-to-Work Following Extended Absence</u>. Subject to the Medical Leave and Absences policy, P/I 7.51.0, all employees with an extended absence of thirty (30) or more days (except for continuous vacation / PTO and jury duty) are required to take a drug test before being cleared to return to work. Click <u>here</u>

(https://amtrakepw.my.salesforce.com/sfc/p/41000000MN3Q/a/1K0000023W7Y/hRQV3M0KTNZId.LpPsKhQhY3Djkde6K1kViX5uQlwmc) for additional information on return-to-work testing.

- 13.2.5 Return-to-Duty Following Positive Test / Follow-up. Notwithstanding Section 15.0 below, any employee who returns to duty following a drug or alcohol violation is required to take a drug and/or alcohol test subject to direct observed testing protocol before returning to duty. Also, such employees are subject to unannounced follow-up testing at least six (6) times in the first twelve (12) months and up to sixty (60) months as directed by a Substance Abuse Professional or EAP Counselor. Click here (https://amtrakepw.my.salesforce.com/sfc/p/41000000MN3Q/a/1K0000023W7Y/hRQV3M0KTNZId.LpPsKhQhY3Djkde6K1kViX5uQlwmc) for additional information on return-to-duty and follow-up testing.
- 13.2.6 <u>Fitness for Duty</u>. 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. As part of the Fitness for Duty examination, a drug and / or alcohol test may be administered.
- 13.2.7 <u>Injury</u>. In any case where an employee has sustained a personal injury and is subject to drug and alcohol testing under this policy, necessary medical treatment must be given priority over the provision of the testing specimen.

14.0 UNABLE / UNWILLING TO TEST

- 14.1 Refusal to Test. Employees are required to cooperate with all aspects of the testing event. A refusal to test will be considered a "positive" result.
- 14.2 Shy Bladder / Shy Lung. The DER will follow Department of Transportation (DOT) protocols in instances where an employee is unable to produce a testing sample due to shy bladder or shy breath. Medical documentation may be necessary to substantiate the employee's claim. Insufficient documentation, as determined by Amtrak's MRO (or his / her designee) may result in a decision to consider the situation a refusal to test.
- 14.3 Shy Hair. The DER will offer the candidate the opportunity to provide medical documentation to substantiate a medical justification for inability to produce a hair specimen. This is reviewed by Amtrak's Corporate Medical Director.

15.0 CONSEQUENCES

- 15.1 Violations (Other than Positive Test). Failure to comply with this policy may result in disciplinary action, up to and including termination.
- 15.2 <u>Positive Test</u>. Except for a positive return-to-work test as described in Section 13.2.4, an employee who tests positive on a drug or alcohol test will be terminated. Employees who test positive on a return-to-work drug test will be required to contact a Substance abuse Professional (SAP) or EAP Counselor and adhere to a treatment plan the SAP/EAP deems appropriate. Employees who have a second positive return-to-work drug test will be terminated.
- 15.3 <u>Admission</u>. Amtrak reserves the right to determine a violation of this policy without a drug or alcohol test based on an admission of drug or alcohol use, whether or not made contemporaneously with direct observations of impairment.

16.0 RELATED POLICIES AND PROCEDURES

- <u>Drug- and Alcohol-Free Workplace Program Guidelines and Procedures</u>
 (https://amtrakepw.my.salesforce.com/sfc/p/41000000MN3Q/a/1K0000023WTP/HhXjA3eHLul8x.7ZWRWx.JdlSqpyQ1ZXmal4GekCkDU)
- Employee Code of Ethics and Business Conduct (https://allaboard.amtrak.com/s/article/Employee-Code-of-Ethics-and-Business-Conduct-The-Code)
- Standards of Excellence (https://amtrakepw.my.salesforce.com/sfc/p/#41000000MN3Q/a/41000000xCRx/86HLT0qWILJMT8aDdFA.JQgN_aC8wde692ZI8JX9yH4)

- Independent Contractor Services (https://allaboard.amtrak.com/s/article/Independent-Contractor-Services), APIM 7.13
- Separation of Employment (https://allaboard.amtrak.com/s/article/Separation-of-Employment), APIM 7.32
- Interim Fitness for Duty Policy (https://allaboard.amtrak.com/s/article/Interim-Fitness-for-Duty-Assessment), APIM 7.38
- Contractor Background Check (https://allaboard.amtrak.com/s/article/Contractor-Background-Check), APIM 7.39
- Employee and Independent Contractor Background Check (https://allaboard.amtrak.com/s/article/Employee-and-Independent-Contractor-Background-Check), APIM 7.40
- Medical Leave and Absences (https://allaboard.amtrak.com/s/article/Medical-Leave-and-Absences-Policy), APIM 7.51

Inquiries regarding the Drug and Alcohol-Free Workplace Program should be directed to Amtrak's Designated Employee Representative at occupationaltestingservices@amtrak.com (mailto:occupationaltestingservices@amtrak.com) or (202) 641-0248.

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