

RAILBELT RELIABILITY COUNCIL – POLICIES & PROCEDURES		POLICY NO.: P-05
TITLE: DRUG AND ALCOHOL		REVISION No.: 00
EFFECTIVE: 05/01/2023	LAST AMENDED: 05/01/2023	PAGE 1 OF 7

DRUG AND ALCOHOL POLICY

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1.0 POLICY OVERVIEW

This document establishes policy for RRC employees and applicants regarding drugs and alcohol.

2.0 PURPOSE & SCOPE

The RRC complies with all state and federal laws and regulations regarding drug and alcohol use. This Policy addresses drug and alcohol use for employees and applicants. Drug and alcohol misuse poses a threat to the health and safety of RRC employees and to the security of the company's data, equipment, and facilities. For these reasons, the RRC is committed to the elimination of drug and alcohol use/misuse in the workplace.

This Policy applies to all employees and to all applicants for employment with the RRC. The CEO, or a delegate, is responsible for Policy administration.

3.0 DEFINITIONS

Term	Definition
Company Premises	All buildings, offices, facilities, grounds, parking lots, lockers, places, and vehicles owned, leased, or managed by RRC or any site on which the RRC is conducting business.

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Term	Definition
Illegal Drug(s)	Controlled substances that are listed in Schedules I-V of 21 C.F.R. Part 1308 .
CEO	RRC Chief Executive Officer.
MRO	A licensed physician who is responsible for receiving and reviewing laboratory results generated by an employer's drug testing program and evaluating medical explanations for certain drug test results.
Policy	Drug and Alcohol Policy (P-05).
Refuse to Cooperate	To obstruct the collection or testing process; to submit an altered, adulterated or substitute sample; to fail to show up for a scheduled test; to refuse to complete the requested drug testing forms; or to fail to promptly provide specimen(s) for testing when directed to do so, without a valid medical basis for the failure. Employees who leave the scene of an accident without justifiable explanation prior to submission to drug and alcohol testing will also be considered to have refused to cooperate.
Under the Influence of Alcohol	A blood alcohol concentration greater than or equal to 0.04%, or actions, appearance, speech or bodily odors that reasonably cause a supervisor to conclude that an employee is impaired because of alcohol use.

4.0 RESPONSIBILITIES OF KEY PERSONNEL

Title	Responsibilities
CEO	Responsible for Policy interpretation, administration, and enforcement.
RRC employees and applicants	Responsible for complying with this Policy.

5.0 EMPLOYEE ASSISTANCE

The RRC will assist and support employees who voluntarily seek help for drug and/or alcohol addiction before becoming subject to discipline or termination. Such employees will be allowed to use accrued paid time off, placed on leaves of absence, referred to treatment providers, and otherwise accommodated as required by law. Employees may be required to document that they are successfully following prescribed treatment and to take and pass follow-up tests if they hold jobs that are safety-sensitive or require driving, or if they have violated this Policy previously. Once a drug and/or alcohol test has been initiated under this Policy, unless otherwise required by the Family and Medical Leave Act or the Americans with Disabilities Act, the employee will have forfeited the opportunity to be granted a leave of absence for treatment, and may face possible discipline, up to and including termination of employment.

6.0 WORK RULES

The following section describes employee rules regarding alcohol, Illegal Drugs, and prescribed drugs:

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Employees should report to work fit for duty and free of any adverse effects of Illegal Drugs and/or alcohol. This Policy does not prohibit employees from the lawful use and possession of prescribed medications. Employees must, however, consult with their doctors about the medications' effect on their fitness for duty and ability to work safely, and they must promptly disclose any work restrictions to their supervisor.

6.1 Employee Conduct for RRC-related Work

With the exception in provision 6.2 below, employees, while performing company business or while on Company Premises, are prohibited from:

- Using, possessing, buying, selling, manufacturing or dispensing Illegal Drugs (including the possession of drug paraphernalia);
- Being under the influence of alcohol or an Illegal Drug; and
- Consuming alcohol.

6.2 Sole Exception

The CEO may authorize the consumption of alcohol at specific events.

6.3 Illegal Drugs

The presence of any detectable amount of any Illegal Drug, illegal controlled substance, or alcohol in an employee's bodily system, while performing company business or while on Company Premises, is prohibited.

Any Illegal Drugs or drug paraphernalia will be turned over to an appropriate law enforcement agency and may result in criminal prosecution.

6.4 Prescribed Drugs

The RRC will not allow employees to perform their duties while taking prescribed drugs that are adversely affecting their ability to perform their job duties safely and effectively. Employees taking a prescribed medication must carry it in a container labeled by a licensed pharmacist and be prepared to produce the container if asked.

7.0 REQUIRED TESTING

The following section describes when the RRC may require applicants and employees to undergo a drug and/or alcohol test:

The refusal by any employee to be tested for drug and/or alcohol use for any reason will be treated as a positive test result and under no circumstances will be allowed to drive themselves home. Employees who

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test positive or Refuse to Cooperate with searches or tests may be subject to discipline, up to and including termination of employment.

7.1 Pre-Employment Testing

Applicants being considered for hire may be required to pass drug testing before beginning work or receiving an offer of employment. Refusal to submit to testing will result in disqualification of further employment consideration. When hired, employees will review and receive this Policy as part of their orientation. Thereafter, employees will receive annual training on this Policy.

7.2 Reasonable Suspicion Testing

Employees are subject to testing based on, but not limited to, observations of apparent workplace use, possession, or perceived impairment. A member of management should be consulted before sending an employee for testing. Management must use the reasonable suspicion observation checklist (see below “Exhibit A”) to document specific observations and behaviors that create a reasonable suspicion that an employee is under the influence of Illegal Drugs or alcohol.

When reasonable suspicion testing is warranted, management will meet with the employee to explain the observations and the requirement to undergo a drug and/or alcohol test within two hours.

7.3 Post-Accident Testing

Employees are subject to testing when they cause or contribute to accidents that seriously damage an RRC vehicle, machinery, equipment, or property, or that result in an injury to themselves or another employee requiring medical attention. A circumstance that constitutes probable belief will be presumed to arise in any instance involving a work-related accident or injury in which an employee who was operating a motorized vehicle is found to be responsible for causing the accident. In any of these instances, the investigation and subsequent testing must take place within two hours following the accident.

7.4 Transportation to Testing Facility

Under no circumstances will the employee be allowed to drive themselves to the testing facility. A member of management must transport the employee or arrange for a cab and arrange for the employee to be transported home.

8.0 COLLECTION AND TESTING PROCEDURES

The following section describes the procedures relating to the testing of drugs and/or alcohol:

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For purposes of this Policy, test results generated by law enforcement or medical providers may be considered by the RRC as work rule violations.

8.1 Alcohol

Employees subject to alcohol testing will be transported to an approved, designated testing facility. Specimens will be tested by trained technicians using federally approved testing devices capable of producing printed results that identify the employee.

8.2 Drugs

Applicants and employees subject to drug testing will be transported to an approved designated testing facility and directed to provide specimens. Applicants and employees may provide specimens in private unless they appear to be submitting altered, adulterated, or substitute specimens.

The laboratory will transmit all positive drug test results to an MRO retained by the RRC, who will offer individuals with positive results a reasonable opportunity to rebut or explain the results. Individuals with positive test results may also ask the MRO to have their split specimen sent to another federally certified laboratory to be tested at the applicant's or employee's own expense. Such requests must be made within 72 hours of notice of test results. If the second facility fails to find any evidence of drug use in the split specimen, the employee or applicant will be treated as passing the test. In no event should a positive test result be communicated to the RRC until such time that the MRO has confirmed the test to be positive.

9.0 CONSEQUENCES

Depending on the circumstances, the employee's work history/record and any state law requirements, the RRC may offer an employee who violates this Policy or tests positive the opportunity to return to work on a last-chance basis pursuant to mutually agreeable terms, which could include follow-up drug testing at times and frequencies determined by the RRC for a minimum of one year, but not more than two years, as well as a waiver of the right to contest any termination resulting from a subsequent positive test. If the employee either does not complete the rehabilitation program or tests positive after completing the rehabilitation program, the employee may face possible discipline.

10.0 CONFIDENTIALITY

Information and records relating to positive test results, drug and alcohol dependencies, and legitimate medical explanations provided to the MRO will be kept confidential, to the extent required by law, and maintained in secure files separate from normal personnel files. Such records and information may be disclosed among managers and supervisors on a need-to-know basis and may also be disclosed when

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relevant to a grievance, charge, claim or other legal proceeding initiated by or on behalf of an employee or applicant.

11.0 INSPECTIONS

The RRC reserves the right to inspect all portions of its offices for drugs, alcohol or other contraband. All employees, contract employees, and visitors may be asked to cooperate in inspections of their persons, work areas and property that might conceal drugs, alcohol, or other contraband.

12.0 CRIMES INVOLVING DRUGS

The RRC prohibits all employees, including employees performing work under government contracts, from manufacturing, distributing, dispensing, possessing, or using an Illegal Drug in or on company premises or while conducting company business. RRC employees are also prohibited from misusing legally prescribed or over-the-counter drugs. Law enforcement personnel may be notified, as appropriate, when criminal activity is suspected.

The RRC does not desire to intrude into the private lives of its employees but recognizes that employees' off-the-job involvement with drugs and alcohol may have an impact on the workplace. Therefore, the RRC reserves the right to take appropriate disciplinary action for drug use, sale, or distribution while off company premises. All employees who are convicted of, plead guilty to, or are sentenced for a crime involving an Illegal Drug are required to report the conviction, plea, or sentence to Human Resources within five days. Failure to comply may result in termination of employment. Cooperation and complying may result in suspension without pay to allow management to review the nature of the charges and the employee's past record with the RRC.

13.0 TRAINING AND ACKNOWLEDGEMENT

Employees shall receive annual training on this Policy. At orientation and annual training seminars, employees must sign an acknowledgement form that they have reviewed and received training on this Policy.

On projects covered by the Drug-Free Workplace Act or by state or federal government contracts, laws, or regulations, all employees are given a copy of this Policy and required to notify the RRC of any conviction for violation of a criminal drug statute in the workplace within five days. Such employees must sign an acknowledgement form that they have received a copy of this Policy.

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14.0 DRUG AND ALCOHOL POLICY CERTIFICATE OF RECEIPT

I hereby certify that I have received a copy of the RRC Drug and Alcohol Policy.

Employee Printed Name

Date

Employee Signature

REASONABLE SUSPICION OBSERVATION CHECKLIST (EXHIBIT A)

Management must use this reasonable suspicion observation checklist to document specific observations and behaviors that create a reasonable suspicion that an employee is under the influence of Illegal Drugs or alcohol.

This checklist must be maintained in a secure file separate from normal personnel files.

Date:			
Reviewer Name:			
Reviewer Title:			
Employee Name:			
Employee Title:			
Observations	Yes	No	Comments
Odors (smell of alcohol, body odor, or urine).			
Movements (unsteady, fidgety, dizzy).			
Eyes (dilated pupils, constricted or watery eyes, or involuntary eye movements).			
Face (flushed, sweating, confused or blank look).			
Speech (slurred, slow, distracted mid-thought, inability to verbalize thoughts).			
Emotions (argumentative, agitated, irritable, drowsy).			
Actions (yawning, twitching, no reaction to questions).			
Inactions (sleeping, unconscious, no reaction to questions).			
Other (must explain in comments)			

I, _____, hereby certify that I have filled out the above correctly and to the best of my knowledge.

Reviewer Signature

Date