

SPECIAL EMPLOYEE ADVISORY – A MESSAGE FROM THE EXECUTIVE LEADERSHIP TEAM

Subject Line: Workplace Drug & Alcohol-Free Program Enhancements

Scheduled Release

Thursday, March 14 – approximately 3 p.m. ET

To all Amtrak employees,

We have made a promise to our customers, our employees and the communities we serve: Amtrak will operate the safest railroad in the country. To live up to this promise, we must work together to establish a safe work environment.

Our ability to maintain a safe work environment is challenged by a national public health epidemic driven by drug and alcohol addiction and misuse. Millions of Americans are struggling with opioid, medication and alcohol disorders. To our Amtrak employees who may be dealing with this issue themselves, we want you to know: We care about you, and we are committed to getting you the help you need. At the same time, we owe it to each other to make sure that co-workers who are under the influence of drugs or alcohol are not working on the job. We work in an unforgiving industry where each of us must be at our best, every day.

Our goal is to find the appropriate balance between providing Amtrak employees the assistance they need and making sure we have a safe work environment. Our desire to find this balance is consistent with our approach to establishing a Just Culture. In a Just Culture, we support and protect people who voluntarily come forward and identify issues we must resolve. In a Just Culture, we are also clear on what is unacceptable – and that is reckless and irresponsible behavior that places the employee and everyone else around him or her at risk.

Accordingly, we are enhancing our Workplace Drug & Alcohol-Free Program in a way that will help our people, make our workplace safer, and help us create a Just Culture. Specifically, we are going to increase our commitment to prevention programs – and we are going to strengthen the penalties for reckless behavior.

The following changes to our Workplace Drug & Alcohol-Free Program will take effect on ~~Oct. 1, 2019~~.

JAN 1, 2020

- **Zero tolerance for active employees who test positive.** There is no excuse for an active employee who comes into work under the influence of drugs and alcohol (D&A). This is a clear example of reckless and irresponsible behavior. As such, there will now be zero tolerance for an employee who is on the job and tests positive on one of the following D&A tests: Random, Periodic, Reasonable Suspicion, Accident/Injury, Follow-up and Rules Violation. Employees who are positive on one of these tests will be terminated from employment.
- **“Non-working positive” waiver:** We will provide one “second chance” in a career for an employee who gets a positive result on a return-to-work D&A test. A positive test in this case mandates an automatic referral to the Employee Assistance Program (EAP). This “second chance” is conditional on the employee completing the treatment plan that is assigned by the EAP. We are providing this “second chance” because the employee was not active and on the job at that time of the positive test.
- **Co-worker-Intervention (CI) can be invoked one time over 10 years.** If you believe a co-worker is working while impaired by drugs or alcohol, you can have them safely removed from the

workplace and get them help with no consequence to you or your co-worker. However, we are limiting the number of times that a Co-Worker Intervention can be used for an employee to one time every 10 years. We have this feature for two reasons: We want to get impaired people off the job, and we want to make sure these people get help. If you are an employee who has been called off the job due to a co-worker intervention, this is your opportunity to get help – and to make sure you never come back to work impaired again. Employees who are marked off are obligated to complete a D&A assessment within 5 days. If no misuse is identified, they may return to work. However, employees who receive a substantiated co-worker intervention a second time within a 10-year period will be terminated.

- **Restricted Medication List.** We are making it easier for employees to understand what medications are disallowed at work. We are eliminating the NPRC 3133 (Authorization to Work with Medication) form. We are going to replace it with the Restricted Medications list, which you can find here [INSERT LINK]. When you visit your doctor or pharmacist, you are encouraged to bring this list with you so that you can be sure you aren't taking prescription or over-the-counter drugs that may impair your ability to work safely. Failure to comply may lead to a fitness for duty evaluation and possible medical disqualification. Failure to disclose medications at company exams may result in disciplinary action.
- **Marijuana Use.** The use of marijuana is not compatible with a safe work environment. In addition, marijuana use is not consistent with the federal regulations under which we operate. It does not matter if marijuana is legal for medical use or recreational use in your state – it is still unacceptable to Amtrak. If you are using marijuana for medicinal purposes: You must work with your doctor to make sure that you test negative for marijuana use before you take your Amtrak test to return to work. A medicinal marijuana medical card is not an acceptable reason for any positive test at any time, in any state, for any reason.
- **Self-Reporting.** We want to encourage people who have a D&A problem to come forward. If you have a D&A issue and self-report to the Amtrak Employee Assistance Program prior to being instructed to submit to testing or prior to a positive test, your job will not be in jeopardy and we will get you the support you need. However, once you report back to work after getting this help, you must remain clean. If you are on the job and test positive for any D&A test, you will be terminated.

Our intent in making these changes isn't to fire people. Our goal is to make sure that people understand that coming to work impaired is unacceptable. It is a willful and reckless behavior that won't be tolerated.

We are announcing these changes now so that employees who may need help will have plenty of time to receive the assistance they need prior to Oct. 1. We are committed to providing all employees with the help they need in addressing potential or current D&A-related issues. These resources include the following:

- **Amtrak P.I.E.R. program.** Amtrak has invested in a drug and alcohol prevention program called P.I.E.R. – Prevention, Intervention, Education and Resources. The P.I.E.R. program is a company-wide workplace drug and alcohol prevention program that helps maintain a safe and drug-free work environment. The program's primary focus is substance use and abuse prevention,

supported by a nationwide network of trained peer facilitators. The PIER program is free and completely confidential. For more information about PIER, call 1-800-447-2562.

- **Employee Assistance Program.** EAP professional counselors can be reached 24 hours a day, 7 days a week. Just call 1-844-268-7251. You can also go the website [here](#). The EAP website includes information on a wide range of topics, including alcohol and other drugs, anxiety, depression, emotional wellness, family care and education, health and wellness, money and legal, relationships, suicide prevention, work, and more. The EAP program is free and completely confidential.

If you are struggling with drugs and alcohol and you come forward and ask for help, we will make sure assistance is provided.

We are here to answer any questions you may have about these changes, the resources we are providing, or anything else related to this policy. You can email us at HRCompliance@amtrak.com. We will answer all questions promptly and confidentially.

We appreciate your attention to this most critical subject as we work together to live up to our commitment to providing our customers a safe ride – and our employees a safe workplace.

Sincerely,

The Executive Committee

Please email HRCompliance@amtrak.com if you have any additional questions or need clarification.

FAQs – Drug & Alcohol-Free Workplace Policy Update (March 2019) **EFFECTIVE JAN 1, 2020**

Getting Help – PIER and Amtrak EAP Programs

Q1: I am not sure if I have a problem with my current drug/alcohol use. How can I figure out what I should do?

A1: Call your Internal EAP Counselor or the 24/7 EAP number at 1-844-268-7251 to confidentially discuss your use and recommendations to get help.

Q2: If I voluntarily take FMLA to get help with my drug and/or alcohol problem, will this be reported to my supervisor?

A2: No. When an employee takes FMLA through Leave Management and/or uses the EAP voluntarily, your supervisor is not notified of the reason you are on leave.

Q3: If I have a current Rule G Waiver, what will happen?

A3: There are no changes for employees who currently have a signed Rule G Waiver. You will continue follow up testing and follow-up with EAP regarding your treatment plan and continuing care plan.

Q4: If I am on leave and test positive on a return to work drug and alcohol test, will I be terminated?

A4: No, not if it is your first occurrence. You will be referred to the EAP for assessment, recommendations and compliance with an assigned treatment plan. Since you were not on the property when your test was positive you will receive a Non-Working Positive Waiver. You can receive one waiver during your Amtrak career. However, if you complete the treatment plan assigned by EAP and return to work and then test positive, the positive test will result in termination.

Q5: What is the difference between the EAP and the P.I.E.R. Program?

A5: The EAP is staffed by professional, licensed counselors who can assist in assessing and referring to treatment when appropriate. The P.I.E.R. Program is staffed by prevention specialists who understand the Amtrak workplace and can assist co-workers with referrals to resources and support. They are supported by a network of trained P.I.E.R. facilitators located in workplaces across Amtrak and are ready to help.

Q6: If I have further questions about getting help who should I call?

A6: To speak with a counselor call your internal EAP Counselor or the 24/7 EAP number at 1-844-268-7251. To speak with a prevention specialist about mark-offs, resources or prevention call 1-800-447-2562.

Q7: If I reach out to my internal EAP Counselor voluntarily due to a drug or alcohol problem, what will they do for me?

A7: The EAP Counselor will:

- Provide a confidential space to discuss issues and learn about resources.
- Help you with the paperwork required to secure your FMLA/MLOA and return you to work if you need time-off.
- Connect you with qualified treatment providers and monitor your progress.
- Offer personal support after you return to work to help you stay on track.

Please email HRCompliance@amtrak.com if you have any additional questions or need clarification.

Q8: What is a Co-Worker Intervention (CI)?

A8: A way for a co-worker to help an at-risk employee avoid creating an unsafe work environment and avoid discipline and potential job loss by intervening with management to get their fellow worker help. A Co-Worker Intervention does not involve drug testing or discipline but requires employees to complete an assessment with an EAP Counselor.

Q9: How is a Co-Worker Intervention performed?

A9: An employee must verbally notify management that a Co-Worker Intervention is occurring. This notification to management must occur BEFORE management is aware that the employee may be impaired while on-duty and before there is any notification of drug and/or alcohol testing.

Q10: How many times can an employee receive a Co-Worker Intervention?

A10: Employees are eligible for a Coworker Intervention once every 10 years.

Q11: What is an employee's role in the Co-Worker Intervention process?

A11: To ensure a safe workplace by removing a potentially at-risk co-worker and providing an alternative path to help for employees who may have a substance abuse problem. This is accomplished through creating a Co-Worker Intervention Event.

Q12: What is the role of the employee's manager in the Co-Worker Intervention process?

A12: To remove the employee from service, provide them with instructions to contact the EAP within 5 days and ensure that the employee gets home safe.

Q13: What happens to the employee who is subject to a Co-Worker Intervention?

A13: An employee subject to a Co-Worker Intervention will be removed from service and must follow up with the EAP within 5 working days. EAP will conduct an assessment and refer an employee for help or recommend return to work without intervention.

Q14: What is the P.I.E.R. Program?

A14: P.I.E.R. stands for Prevention, Intervention, Education and Resources. The P.I.E.R. program is a company-wide workplace drug and alcohol prevention program that helps to maintain a safe and drug-free work environment while protecting employees' health through primary substance-abuse prevention. The program relies on (1) research supported prevention practices; (2) responsible employee decision making, and; (3) a nationwide network of trained peer volunteers.

Q15: When and why should employees use the P.I.E.R. Program?

A15: Employees are encouraged to use the P.I.E.R Program to get the help and resources you, a coworker or family member need to avoid consequences associated with drug and alcohol misuse and abuse.

Q16: Who can use the P.I.E.R. Program?

A16: All Amtrak employees have access to the P.I.E.R. program's drug and alcohol information, education and resources. However, only agreement employees can use P.I.E.R. to receive an excused mark-off to avoid workplace impairment.

Please email HRCompliance@amtrak.com if you have any additional questions or need clarification.

Q17: How often can I use the P.I.E.R. Program?

A17: You can call the P.I.E.R. program an unlimited number of times for information, education and resources. However, the P.I.E.R. program only offers three excused mark-offs in a career. If an agreement employee exhausts the excused mark-offs available through the P.I.E.R. Program they are still REQUIRED to mark-off, if impaired. Additionally, an employee may choose to use other leave options available to him/her instead of the P.I.E.R. program.

Q18: What happens when I call the P.I.E.R. Program?

A18: You will speak with a P.I.E.R. prevention specialist who will offer you information, education and resources; including referrals based on your determined level of need.

Positive Drug or Alcohol Test Results

Q1. What happens if I test positive on an FRA Random Drug test on or after October 1, 2019?

A1. As FRA Random Drug tests are administered to active employees reporting to work or at work, Amtrak will no longer provide a second opportunity for continued employment. A positive drug test result will result in termination of employment under the company's Drug and Alcohol Policy.

Q2. What happens if I test positive on a post-accident, reasonable suspicion or company random drug test on or after October 1, 2019?

A2. Effective October 1, 2019, all employees will be handled as all non-agreement employees had been treated in the past – Amtrak will no longer provide a second opportunity for continued employment. A positive drug test result will result in termination of employment under the company's Drug and Alcohol Policy.

Q3. The cut off for a positive FRA Breath Alcohol Test is .04, what happens if I test at .039 for an FRA test?

A3. Effective October 1, 2019, all employees will be handled as all non-agreement employees had been treated in the past – Amtrak will no longer provide a second opportunity for continued employment. While the employee will not be reported as a positive test to the FRA, the limit for a positive Breath Alcohol Test is .02 under the company's Drug and Alcohol Policy. Therefore, an employee producing a result at or above .02 will be terminated from employment at Amtrak.

Medication Safety List

Q1. Why move from the NRPC 3133 (Authorization to Work with Medication) to the restricted medication list?

A1. The previous NRPC 3133 Authorization to Work with Medication process was confusing to employees, cumbersome to administer and difficult to enforce. A restricted medication list allows Amtrak to communicate about prescription and over-the-counter medication risk clearly and consistently to all employees.

Please email HRCompliance@amtrak.com if you have any additional questions or need clarification.

Q2. What if I am taking a medication on the restricted medication list?

A2. Please discuss this with your treating healthcare provider. **DO NOT STOP YOUR MEDICINES WITHOUT TALKING TO YOUR DOCTOR.** Some of these medicines can cause withdrawal if you stop them suddenly or possibly harm your health if you stop them. It is possible that there may be other effective treatments for your condition that you could switch to.

Q3. Is Amtrak directing my care or telling my doctor what to prescribe?

A3. No. The decision on what medical treatment is best for you is between you and your doctor. Amtrak is providing direction on what is acceptable for safety-sensitive positions so that we achieve the highest levels of safety. The stakes are too high for us not to do so.

Q4. Why are some medicines OK to take less than 8 hours before a work shift and others have a longer time restriction?

A4. Longer-acting medicines are designed to be taken less frequently because they stay in the body longer than shorter-acting medications. This is nice because you take the medication less frequently. On the other hand, the medicine stays in your body longer and takes a longer time for your body to eliminate, and therefore the potential for impairing side effects is longer. People with liver or kidney problems may take even longer to clear medications from their bodies.

Q5. Does this list cover all medicines that are impairing?

A5. No. There are always possible side effects of any medication and people can react differently to medicines that are not widely known. It is your responsibility to talk to your health-care provider about this before taking any medications. If you have any questions about your medicines and work, please call Medical Services at 215-349-2389.

Q6. What if I work extra-board or on-call and I took a medicine on the restricted list and then get called into work?

A6. Extra-board or on-call employees expect to be called in to work on short notice. Therefore, it is your responsibility to make sure any medicines you take on a regular basis will not result in impairment so that you can report to work on short notice.

Q7. I take a medicine that is on the list once in a while. Is that ok?

A7. Yes, as long as you are following your doctor's directions and you do not take the medicine while working and follow the time restriction on the restricted medication list.

Q8. I take a medicine that is on the list on a regular basis. What should I do?

A8. If you take any medicines on the list on a regular basis or during the work day, then please discuss this with your doctor. **DO NOT STOP YOUR MEDICINE SUDDENLY.** Some people find they are able to reduce or change medicines. Medical studies are finding that opiates are less effective than previously thought for chronic pain, and the risk of dependence or addiction is high. In fact, some people can develop an increase in pain systems because of their opiate use (called opioid-induced hyperalgesia) that requires higher and higher doses of opiates to stop the pain. The risk for addiction or death from overdose becomes greater.

Please email HRCCompliance@amtrak.com if you have any additional questions or need clarification.

Q9. What if I am taking a medicine on the list and following the restrictions and then provide a positive sample for a company or federal drug test?

A9. Any time a urine drug sample tests positive for a substance, the Medical Review Officer (MRO) must contact you to ask if there is a valid medical reason for the result. If you have a valid, current prescription for a medicine that explains the result, the MRO will report the test result to Amtrak as negative but issue a safety letter to Amtrak. You may get a follow-up call from the Amtrak Medical Director.

Q10. Does this change mean that we will be doing less oversight for prescription medicine use?

A10. No. Medication reviews will be integrated into company physicals to focus on identifying potentially impairing medicines. Employees who need periodic exams will have medicines reviewed at each visit. Amtrak is also notified of any drug tests that are downgraded to a negative because of prescription drugs.

Q11. Doesn't reporting my medicines to Amtrak cover me for a drug test?

A11. NO, and it never has. Any drug test that has a positive lab test for a substance is reviewed by a Medical Review Officer (MRO). The MRO cannot accept information provided by Amtrak as an explanation for a laboratory positive drug test. The MRO must call the individual to explain the test result and ask for a medical reason. Any prescriptions are verified through this process. People who do not call the MRO back are reported as a positive test – though this could be downgraded to a negative test if you return the MRO call and can provide a verified prescription.

Q12. What if I want help stopping these medicines?

A12. First, talk to your treating healthcare provider about this. You may be able to work out a plan together to come off the medicines safely.

If you are concerned that you are using too much or are dependent or even addicted to these medicines, please contact the Employee Assistance Program at 1-844-269-7251 (844-AMTRAK1). The EAP counselors can help you find a good treatment program to meet your needs.

Here is a link from the Amtrak EAP intranet site that will help you identify quality treatment for substance use disorders.

<http://wiki.corp.nrpc/download/attachments/352125124/SAMHSA+Quality+Treatment.pdf?version=1&modificationDate=1522278470537>

Here is a link to an advocacy group called Shatterproof that is there to help people and families struggling with substance use disorder: <https://www.shatterproof.org/> This website provides education on a variety of topics including how to recognize quality treatment programs. Evidence-based treatment guidelines exist for medical conditions like diabetes, asthma, high blood pressure and they exist for substance use disorders too.

Marijuana and Cannabinoid Oil (CBD)

Q1. What about using legalized, recreational marijuana?

A1. Don't use it. Even if use of marijuana is legal for recreational use in your state, you still will be reported as a positive marijuana drug test.

Please email HRCompliance@amtrak.com if you have any additional questions or need clarification.

Q2. What about medical marijuana?

A2. The Department of Transportation (FRA, FMCSA) does not recognize medical marijuana as a valid reason for a positive marijuana (THC) drug test. If you have a medical marijuana card or if it is legal for medical use in your state, you still will be reported as a positive marijuana drug test. If you are using prescribed marijuana, you cannot be in active service and should be on a medical leave of absence. You will have to test negative prior to returning to service, which will require communication with your medical provider to ensure that you will be able to do so, as THC can remain in a person's system and cause a positive test for some time after the person ceases use.

A prescription for a pharmaceutical such as drobaninol or marinol may be reported as negative by the MRO and reported to Amtrak as a possible safety concern. At that point, an assessment about the medication and underlying medical condition will be made as to whether this poses a safety risk to Amtrak operations.

Q3. What about CBD products? (Cannabinoid oil)

A3. The FRA position is that CBD-containing products are marijuana-derivatives and therefore are prohibited. You may have read on the internet that CBD products do not contain THC and therefore should not result in a positive test. Be very cautious about this. You cannot guarantee the purity or safety of these products and use of CBD-containing products is not a valid medical explanation for a positive THC test. You are advised that use of these products creates the risk of having a positive marijuana drug test in violation of the company's Drug and Alcohol Policy.