



**TOXICOLOGICAL TESTING  
GUIDELINES  
FOR**

**FRA MANDATORY POST ACCIDENT**

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**FRA MANDATORY REASONABLE SUSPICION**

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**FRA FOLLOW-UP TESTING**

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**FRA RANDOM TESTING**

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**FRA OPTIONAL REASONABLE CAUSE**

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**CSXT AGREEMENT TESTING**

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**FMCSA ACCIDENT & REASONABLE SUSPICION**

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Additional Requirements

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**(For Use by Company Officers)**

**Revised October 1, 2012**

**Supersedes Previous Instructions**

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**Drug and Alcohol Testing  
Important Telephone Numbers:**

**1. Network Operations**

**Director:**

- Bell number: (904) 359-7551
- Rnx number: 322-7551

**2. Safety Department**

- **Becky Hamilton. Mgr. Safety-  
Transportation and D&A Regulations**
  - Bell number: (904) 359-1803
  - RNX number: 322-7663
  - Cell number: (770) 500-0086
  - FAX number: (904) 245-3162
- **Barry Morton, Gen. Mgr. Safety**
  - Bell number: (904) 359-3247
  - RNX number: 322-3247
  - Cell number: (904) 614-5923
- **Matt Meadows, Dir. Operating Rules**
  - Bell number: (904) 359-2966
  - RNX number: 322-2966
  - Cell number: (770) 329-5614

**3. Medical Department:**

- Donna Barnett, Dir. (904) 359-3396
- Schedulers:
  - Chris Evans: (904) 359-1756
  - Boyd Nicholson (904) 359-7598

**4. PSCC: 800-232-0144**

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## **FRA MANDATORY POST ACCIDENT TOXICOLOGICAL TESTING**

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This FRA testing program is divided into four categories, which are shown on the next four pages in chart form. In order to test under this program, you must have one of the circumstances described in the four categories. Post accident testing is only for on-duty hours of service employees with the exception of the requirement of testing a fatality, which only has to be an on-duty employee. You must examine Category 1, "Major Train Accident"; first to be sure your test doesn't qualify in that category, because of the testing requirements.

**If the cause of your incident is one of the following, no testing will be done.**

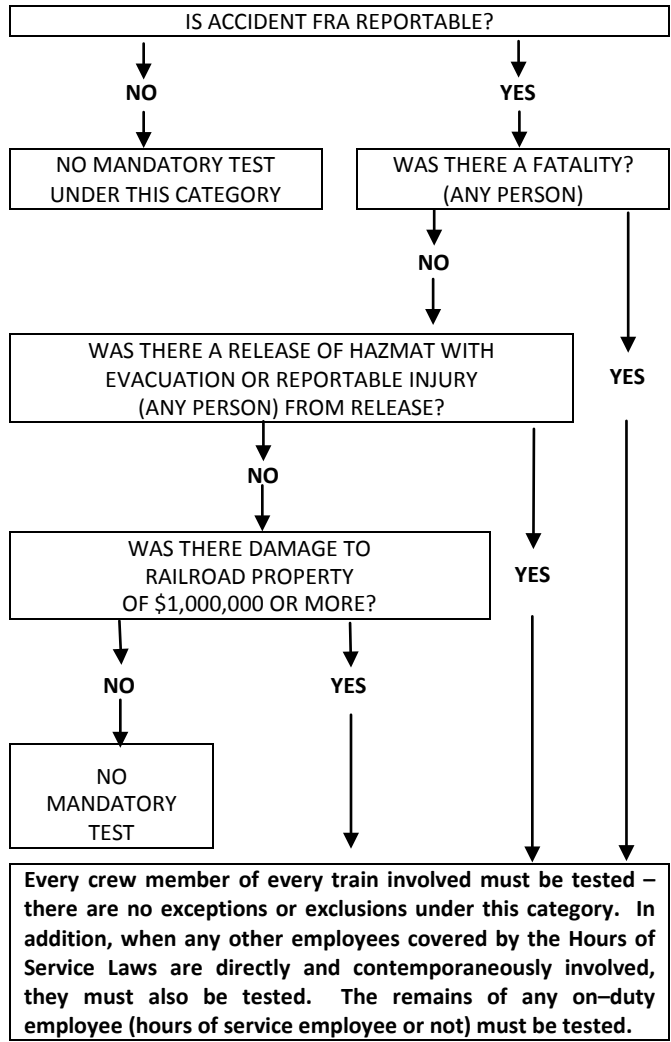
1. A collision between railroad rolling stock and a motor vehicle or other highway conveyance at a rail/highway grade crossing.
2. An accident/incident, the cause and severity of which are wholly attributable to a natural cause (e.g. flood, tornado, or other natural disaster) or vandalism, as determined on the basis of objective and documented facts by the railroad representative responding to the scene.

### **NOTICE**

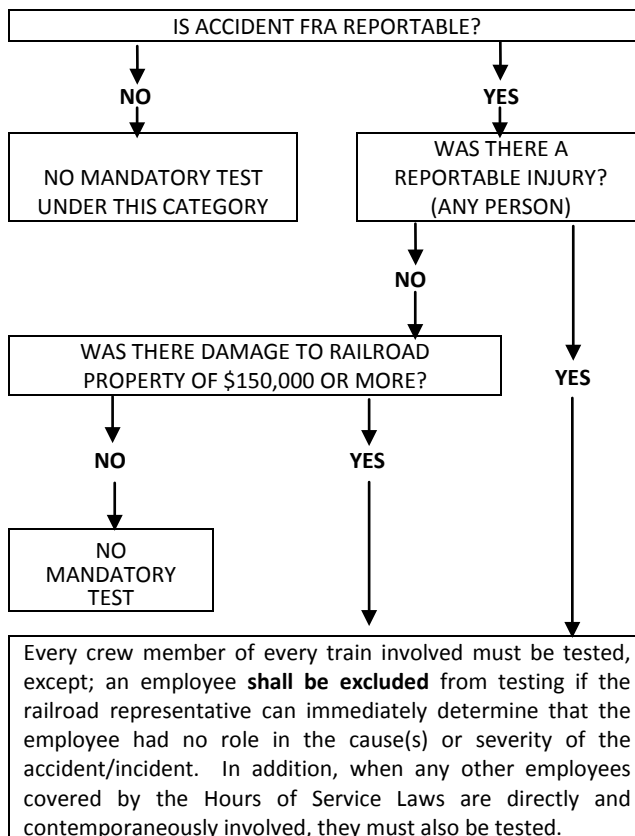
Every FRA Mandatory Post Accident Test Kit must be examined upon receipt to ensure that the necessary forms and materials are in the kit and are useable. (A listing of contents is found in each kit in the "INSTRUCTIONS FOR RAILROAD REPRESENTATIVE"– item 11.) Periodic checks must be made to ensure test tubes are not out of date.

When the kits are sent to the lab after testing, new kits will be returned to the kit's Guardian as indicated on the current listing.

**CATEGORY I  
MAJOR TRAIN ACCIDENT**



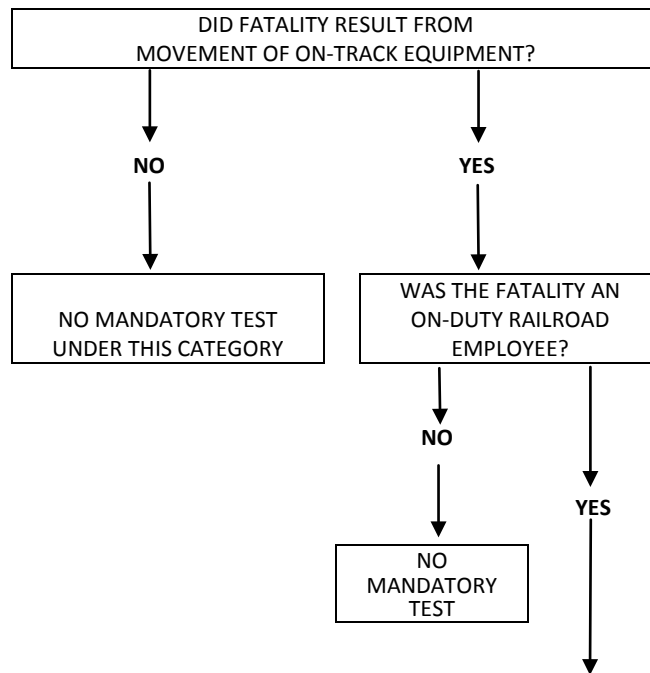
**CATEGORY II  
IMPACT ACCIDENT**  
(Collision involving any railroad rolling stock operating on the rails)\*



\*Does not include accident where derailment of equipment causes an impact with other rail equipment; impact with obstructions such as fallen trees, rocks, livestock, etc.; or raking collisions.

\*Includes impacts with a deliberately placed obstruction such as a bumping post.

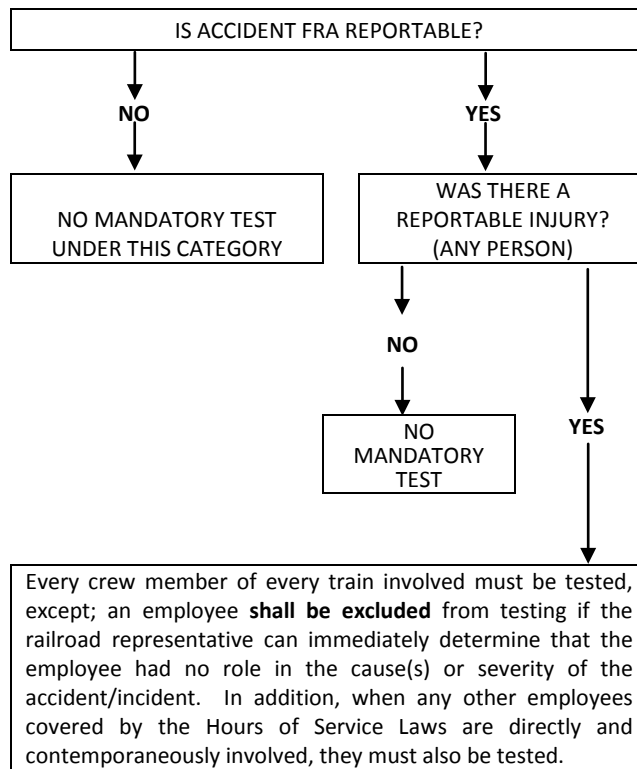
**CATEGORY III  
FATAL TRAIN INCIDENT  
WITH NO DAMAGE OR DAMAGES  
LESS THAN FRA REPORTABLE**



Every crew member of every train involved must be tested, except; an employee **shall be excluded** from testing if the railroad representative can immediately determine that the employee had no role in the cause(s) or severity of the accident/incident. In addition, when any other employees covered by the Hours of Service Laws are directly and contemporaneously involved, they must also be tested. The remains of any on-duty employee (hours of service employee or not) must be tested.

If employee dies within 12 hours of qualifying accident or incident, remains are always tested.

**CATEGORY IV  
PASSENGER TRAIN ACCIDENT**



In the case of a passenger train, which is in proper condition to continue to the next station or its destination after an accident or incident, the Railroad shall consider the safety and convenience of passengers in determining whether the crew is immediately available for testing. A relief crew shall be called to relieve the train crew as soon as possible.



## POINTS TO REMEMBER

**NOTE:** Every reasonable effort must be made to make sure that specimens are provided as soon as possible after the accident or incident. However, this requirement must not be construed to inhibit employees that are required to be tested from performing, in the immediate aftermath of the accident or incident, any duties that may be necessary for the preservation of life or property. However, where practical, the Railroad shall utilize other employees to perform such duties.

**Covered employees must be held on duty, even in excess of the Hours of Service Act, until the determination whether or not to test is made and, if testing is required, the sample collection procedure is completed.**

1. A good faith determination as to whether Mandatory Testing is applicable must be made as soon as possible. If the dollar amount is the criteria, make a dollar determination if for no other reason but to decide whether to test. This figure can later be adjusted for formal reporting purposes with no penalty towards us provided the determination was the best the on-scene officer could provide at the time. In other words do not delay making a decision awaiting the arrival of the appropriate department representatives to make the final determinations.

The person making the decision whether to test can not be a person directly involved in the accident/incident (e.g. an officer riding the train involved or someone in the Dispatching Center who directed the involved train's movement).

If the decision to test or not to test is made by someone other than the responding officer, a written report must immediately be made which shall include the facts reported by the responding officer, the basis upon which the testing decision was made, and the person making the decision. Upon specific request, this report shall be provided to the FRA within 72 hours of the request.

2. If Category II (Impact Accident), Category III (Fatal Train Incident) or Category IV (Passenger Train Accident) also qualifies as a Category I (Major Train Accident), Category I requirements for employees to be tested must be followed.

3. **Before proceeding with any FRA Mandatory Test, the Division Manager or his/her representative must call Network Operations in Jacksonville arranging for a conference with designated officials to ensure that Mandatory Testing is applicable. This call must not delay the testing process!**
4. Any inappropriate delay in toxicological testing could result in “willful neglect violations.” (While understanding the importance of interviewing employees after an accident, the more detailed interviews concerning the derailment can be taken during the trip to the appropriate facility; at the facility; and after returning from testing.)  
  
If the testing is not done within 4 hours of the event, a written report must be made and maintained on file detailing the events that occurred to prevent the testing from being done within the 4 hours.
5. If foreign line employees are involved, CSXT will be responsible for testing the foreign line employees in accordance with Mandatory guidelines used for our own employees. If, however, the foreign line officer in charge agrees that a Mandatory Test is in order then that foreign line officer will handle testing, CSXT will so note (foreign line officer’s name, etc.) and allow them to handle their own employees.
6. An employee may not be recalled for testing if they have been released from duty, except they may be immediately recalled for testing if:
  - a) The employee could not be retained in duty status because he went off duty under normal carrier procedures prior to being instructed to remain on duty pending completion of the required determinations; **and**
  - b) The preliminary investigation indicates a clear probability that the employee played a major role in the cause or severity of the accident; **and**
  - c) The accident/incident actually occurred during the employee’s duty tour.

**PROCEDURES FOR CSXT OFFICER FOR FRA MANDATORY POST-  
ACCIDENT TESTING**

**NOTE:** An on-scene railroad officer (testing officer) must be assigned to and follow through to completion the entire testing procedure, letting these duties be their primary responsibility.

Taking time to read the instructions outlined in this pamphlet and in the "Post Accident Toxicological Testing Instructions" in the FRA Post Accident Shipping Box before beginning the test should enable the entire testing process to be handled smoothly. The actual collection process is spelled out to the collector in the instructions you furnished them. If there are any difficulties with the collection (suspected altering or substituting the specimen, etc.) refer to these instructions as to how to continue. However if additional assistance is required ask Network Operations to connect you with the appropriate person (CSXT Drug and Alcohol Regulations Officer) if there are any questions before, during, or after the collection.

1. After the decision is made that the event is a qualifying event and the decisions have been made as to whom to test, immediately take the employee(s) and the appropriate number of FRA kits (each tox box will allow for the testing of 3 employees) to the nearest medical facility. EMSI National Dispatch, (1-866-334-3674), may be called to assist in locating a medical facility or provide oversight at the facility **PROVIDED** there is no delay awaiting their arrival, etc. However, the staff at the medical facility must perform the tests. (EMSI CAN NOT PERFORM POST-ACCIDENT TESTING.)

**NOTE:** Any employee in need of medical treatment should be transported to the nearest facility capable of providing adequate treatment and any testing should be conducted only when the attending physician is satisfied that obtaining the samples is consistent with the health of the employee.

2. **Employees must be read:** *“You are being tested in accordance with Federal Railroad Administration guidelines. In order to comply, you must provide both blood and urine samples as directed. In accordance with Federal Regulations, refusal to provide one or both will result in your immediate disqualification from covered service for a minimum of nine months. In addition to the nine month automatic suspension, you will be charged with insubordination in accordance with CSXT policy.”*
3. Introduce yourself to the appropriate staff member at the medical facility and explain that in accordance with Federal Regulations, blood and urine samples must be obtained. (Breath analyzers are not required and will not be used.) Distribute the “INSTRUCTIONS” (located inside the kit) to those addressed. Also, remove form FRA F6180.73 (to be filled out by the railroad representative) and form FRA F6180.74 (to be filled out by the railroad representative, collection personnel, and the employee being tested).

Check the expiration date on the blood tubes. If these tubes are out of date, ask the facility to furnish the same type of tubes, which are in date.

Present the FRA kit to the collection personnel.

4. The following forms must be completed:
  - a) **Form FRA F6180.73** (by testing office/railroad representative).

On item 11 of this form, enter:

Dr. Benjamin Gerson

On item 12 of this form, enter:

University Services  
10551 Decatur Road  
Suite 200  
Philadelphia, PA 19154  
Phone (215) 637-6800

After ensuring that all 17 items are filled in:

1. Put the copies marked (at the bottom of the form) "FRA" and "Laboratory" back in the plastic bag for mailing along with the kit.
  2. Mail the copy marked "Medical Review Officer" to Dr. Benjamin Gerson.
  3. Furnish the collection personnel the copy marked "Collection Site".
  4. Keep the copy marked "Employer" for your record.
- b) **Form FRA 6180.74.** Railroad representative, collection personnel and the employee are to complete this form:
1. Put the form marked (at the bottom of the form) "Copy 1 – FRA/LAB COPY", back in the plastic bag for mailing along with the kit.
  2. Furnish the collection personnel COPY 2 marked "COLLECTION FACILITY"
  3. Get the copy marked "COPY 3 – EMPLOYER COPY" (at the bottom of form) for your record
  4. The employee will get the copy marked "COPY 4 – EMPLOYEE COPY."

After the collection is completed make sure that all of the used individual employee kits are sealed and all boxes (used or unused) are placed in the shipping box. Seal the shipping box with the "Shipping Container Security Seal" at area indicated on the box and attach the shipping label.

**SHIPPING INSTRUCTIONS**

Send tox box **ONLY** by air express service to:

**Quest Diagnostics  
1777 Montreal Circle  
Tucker, GA 30084**

**(Shipping label should be included inside the lab kit)**

Ask the testing facility if an express courier service is available directly for pick-up at the collection site. Railroad representatives should provide a phone number in case there are any difficulties with the pickup. The railroad representative should contact the testing facility later to ensure pickup was made.

If no courier service is available at the testing facility, the railroad

representative may use any air express service for FRA mandatory test boxes. (Be sure to get the air express bill number so that the package can be traced.) Your Division is responsible for paying the air express bill. Be sure to provide the air express company the current address of the railroad representative.

FRA lab boxes cannot sit over the weekend for a Monday pickup. If the testing facility cannot guarantee pickup within 24 hours, you will have to handle the box for shipping. Each railroad representative handling the box must keep his/her own personal log (see below\*) as to what handling the box had after leaving the testing facility until it was delivered to the air express company.

- I (signature & title) on (time & date) took Control of the FRA Toxicological Kit and delivered it (time & date) to (name of air express company and air express bill number).

**Prompt notification of the testing, 24 hours a day, must be made to Network Operations. PSCC will subsequently contact the duty officer at the National Response Center (NRC) at 800-424-8802 to report the testing incident. Additionally, designated railroad representatives are required to notify the CSXT Drug and Alcohol Regulations Officer of all post-accident testing. Information should include railroad, date of incident, location, time, reason for test, names of employees tested along with their position and mode of transport to lab.**

Inform staff members at the medical facility that any reasonable and customary fee for the collection, preparation, and handling of the samples will be borne by the Railroad. Have the facility submit its bill for this testing; being sure that the bill indicates the fee was for collection, preparation, and handling of toxicological test samples.

Chief Medical Officer – J290  
CSX Transportation  
500 Water Street  
Jacksonville, Florida 32202

Inform staff members that for any employee requiring further evaluation and/or treatment, the Railroad will also pay for the initial evaluation necessary to determine the need for further treatment, and that charges for this should be sent to the above address. Further treatment or evaluation will be handled through the employee's medical insurance or by the Railroad, depending on the nature of the condition for which the employee is being treated.

## FATALITY

For testing purposes, this includes any on-duty railroad person (does not have to be a hours of service employee) who is fatally injured in a qualifying accident/incident or any such employee who was not previously tested but dies within 12 hours of the accident/incident from injuries sustained.

**Immediately determine who will be in charge of the body (Medical Examiner, Coroner, or Pathologist) and inform them that a FRA Mandatory Test must be performed.** Determine when they can do this. Furnish them a fatality box at the appropriate time. You should review the instructions for testing a fatality before presenting the box to him/her in order to understand what your requirements are. **(EMSI MUST NOT BE USED TO TEST A FATALITY.)**

Should the local authority or custodian of the remains decline to cooperate in obtaining the necessary samples after having been acquainted with the requirements, the officer shall immediately notify the CSXT Drug and Alcohol Regulations Officer and the FRA by telephone 202-493-6313, stating the date and location of the accident or incident, the Railroad, name of the deceased, name and telephone number of the custodian of the remains, name and telephone number of local authority contacted.

## REFUSALS

1. If the employee refuses to provide a blood or urine sample, he/she shall be withdrawn from covered service and shall be deemed disqualified from covered service for a period of nine (9) months. A letter of notification of suspension must promptly be sent to the employee advising the reason for the Railroad's actions and the right of the employee to request a hearing. This will not preclude other charges or other rule violations arising from the charges or other rule violations arising from the same accident or incident. Refusal on religious grounds is not considered as acceptable to the FRA.
2. If the employee has consented to be tested and the medical facility refuses to cooperate you will immediately have to find another testing facility.

3. If an injured employee is unconscious or otherwise unable to evidence consent to the procedure, and the treating medical facility declines to obtain a blood sample after having been acquainted with the requirements, the officer shall immediately notify the CSXT Drug and Alcohol Regulations Officer and the FRA by telephone 202-493-6313, stating the employee's name, the medical facility, its location, the name of the appropriate decisional authority at the medical facility and the telephone number at which that person can be reached.
  4. If the Railroad is unable, as a result of an employee being uncooperative, or for any other reason, to obtain a sample and cause it to be provided to FRA as required by the law, the Division Manager or his/her representative shall make a concise narrative report of the reason for such failure and, if appropriate, any action taken in response to the cause of such failure. This report shall be appended to the accident/incident report which is required to be submitted to the FRA.
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## FRA MANDATORY REASONABLE SUSPICION TESTING

**Reasonable suspicion testing is mandatory for Hours of Service (covered service) employees as follows:**

1. If reasonable suspicion exists due to appearance, behavior, speech or body odors, that an **on-duty employee** is under the influence of alcohol or drugs, **testing is mandatory and MUST be performed**. Employee(s) to be tested must be held on duty, even in excess of the Hours of Service Act, until the sample collection procedure is completed. However, any inappropriate delay in testing could result in “willful neglect violations.” Speed is critical!

**NOTE:**

- a) An off-duty employee violating any part of Operating Rule G will be so charged and **MUST NOT** be tested even if the employee asks that a test be performed.
  - b) A rules violation does not constitute “Reasonable Suspicion” and a test **MUST NOT** be performed solely because of a rules violation. However, the rules violation may be a reason to closely check the employee to see if any of the characteristics previously mentioned are present which would justify Reasonable Suspicion testing.
2. **If there is any possibility at all there may be a medical problem associated with this situation, take the employee to a medical facility for examination and then if no medical problem is indicated by the medical personnel, the tests must be performed.**
  3. If suspicious of alcohol use, only one officer who has been trained in the Drug and Alcohol Recognition Program is required to order the test. If suspicious of drug use or both alcohol and drug use, two officers are necessary, at least one of whom has been trained on signs and symptoms and is on site.

4. Employees must be read: *"You are being tested in accordance with Federal Railroad Administration guidelines. In order to comply, you must provide breath and/or urine samples as directed. In accordance with Federal Regulations, refusal to provide samples as directed will result in your immediate disqualification from covered service for a minimum of 9 months. In addition to the nine month automatic suspension, you will be charged with insubordination in accordance with CSXT policy."*
5. Contact EMSI National Dispatch Center, **(1-866-334-3674)**, and inform them that you need them to perform either a "FRA Reasonable Suspicion Alcohol Test" or a "FRA Reasonable Suspicion Drug Test" or both. They will perform a breath analyzer test for alcohol and collect urine samples for the drug test. If you are taking the employee to a medical facility for examination, request that an EMSI collector meet you there.
6. **DO NOT USE THE FRA MANDATORY POST-ACCIDENT TESTING BOX.** Breath analyzers must be used for reasonable suspicion alcohol testing. Normal random Test Kits will be used for reasonable suspicion drug testing. Insure that the form clearly denotes that the test is for "Reasonable Suspicion/Cause." Reasonable Suspicion should be circled on the form. Blood tests will not be performed even if requested.
7. If testing cannot be accomplished within 2 hours, we must prepare a written report stating why the test was not promptly administered and keep such report to submit to the FRA if so requested. If testing cannot be performed within 8 hours of the observations, the test(s) shall not be performed and the reason for not administering the test shall be stated in the report.
8. If any employee tests for alcohol at a concentration of .02 or greater, a confirmation test will be performed. If the confirmation test result is .02 or greater the test will be considered positive.

**NOTE:** If the employee tries but is unable to provide a breath sample after three attempts the testing will be discontinued. Employees required to provide a urine sample, who are unable to do so, will be furnished liquids based on federal guidelines. If the collector advises you that the employee has been unable to provide urine and/or breath sample, inform the employee that the Medical Department will notify the employee when and where they will be required to undergo a medical examination by a Company medical examiner to establish whether or not there is a valid medical explanation for the employee's inability to provide a sufficient urine or breath alcohol sample. In the event there is no valid medical explanation established, the failure to provide sufficient urine or breathe alcohol sample will be considered a refusal. This will result in the employee being disqualified from covered service for not less than nine months. In addition, CSXT will charge the employee with insubordination.

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**FRA FOLLOW-UP TESTING**  
**“Tap on the Shoulder”**

FRA Regulations require that all FRA drug and alcohol follow up tests must be administered unpredictably and during hours of service. Notification must be by a ‘tap on the shoulder’ when the employee arrives for work and is on duty. If you have a difficult time scheduling the required testing, you may call employees to duty to be tested. However, this practice must be used judiciously.

**Testing may be accomplished by one of the following methods:**

1. Call for on-site testing through EMSI (1-866-334-3674).
2. Escort the employee to a testing facility.
3. If not practical to escort the employee; call ahead to the testing facility and order an observed specimen collection. Then direct the employee to go to the facility for testing.

**Call the EAP Hotline – 1-800-657-3366 –if you have any questions about this process.**

## **FRA Random Testing**

### **TESTING GUIDELINES:**

Field Managers are responsible for conducting scheduled tests. Call EMSI at 866-334-3674 upon receipt of e-mail.

- Once the employee is on duty and reports to the testing station, inform him/her that testing is random pursuant to FRA or FMCSA (for CDL holders) or Company authority (whichever pertains to test being conducted).
- He/she must remain at the station and cannot leave the testing site and return later to give the sample(s).
- When the collector is ready for the employee to furnish a urine sample, the employee must attempt to do so even if he/she thinks that he/she will be unable to do so at that time.

### **YARD JOBS:**

Yard jobs are selected by yard job symbol.

When a Yard job is selected, covered service employees on the selected yard job will be tested during their shift.

Trainmaster will contact EMSI to schedule test time.

- Tests can be conducted at the beginning, during, or at the end of duty.
- Yard crews are tested for drugs and alcohol.
- If selected yard job is not available for testing, then the test should be cancelled by calling EMSI at 866-334-3674 and reporting the reason for canceling the test.
- Yard job tests cannot be rescheduled to a different date.

**ROAD TRAINS: (Includes locals and switchers)**

- **Site Tests:** A specific site is selected, as well as a specific start time. The test window remains open four (4) hours from the start time.

- During the four-hour window, the first inbound crew is tested for drugs and alcohol and the first outbound crew is tested for alcohol.
- The first outbound crew is the first crew coming on duty at or after the start time.
- The first inbound crew is the first crew crossing the yard limits or designated marker at or after the start time.
- If only one crew is available during the test window, only one crew need be tested.
- If no crews are available during the test window, then the test should be cancelled by calling EMSI at 866-334-3674 and reporting the reason for canceling the test.
- Road train tests must be conducted on the test date selected and cannot be rescheduled to a different date.

**CDL DRIVER, Other HOS, and EXEMPT Tests:**

- The individual will be tested for drugs and alcohol.
- The individual test will be conducted on the test date selected.
- The test may be conducted at the beginning, during, or at the end of duty.
- Employees not working the day of the scheduled test will be tested on their first day back at work.
- Testing must be conducted within seven (7) days of the scheduled test date.

*Managers receiving this notification are required to respond with the completion date and time of the testing event.*

*If a testing event has not been completed the supervisor overseeing the testing event **MUST** respond to the email with an explanation as to why the test was not completed.*

**FRA  
OPTIONAL REASONABLE CAUSE**

**Effective January 1, 2005 All Hours of Service Employees will be subject to FRA Reasonable Cause Testing and will not be tested under respective agreement testing.**

Eligible employees may be drug and alcohol tested under any of the following circumstances.

**1. ACCIDENT/INCIDENTS**

When an employee is involved in a FRA Reportable Accident or Injury and a supervisor has reasonable cause that an employee's acts or omissions contributed to the occurrence or severity of the accident or incident.

**2. RULE VIOLATIONS**

When an employee is directly involved in any of the following rules violations:

- A. Occupying a segment of track without authority.
- B. Passing a Stop Signal without authority.
- C. Passing a Stop and Proceed Signal without stopping.
- D. Crossing a railroad crossing at grade without authority.
- E. Operating a train at a speed that exceeds maximum authorized speed by at least 10 MPH or by 50% when maximum authorized speed is less than 20 MPH.
- F. Opening a main track switch without permission of Train Dispatcher or Operator.
- G. Issuing Dispatch Message or EC-1 authority establishing a route that fails to provide proper protection for a train.
- H. Operating a switch under a train. **Must result in derailment for testing.**
- I. Running through a switch improperly lined. **Must result in derailment for testing.**
- J. Failure to align a switch in accordance with Operating Rules. **Must result in derailment for testing.**
- K. Failing to apply or stop short of a derail, as required. **Must result in derailment for testing.**
- L. Failing to secure a hand brake or failure to secure sufficient hand brakes, as required. **Must result in derailment for testing.**

After a decision is made to test under FRA authority, BREATH AND URINE SAMPLES MUST BE TAKEN within 8 hours of management's first knowledge of incident.

Contact EMSI National Dispatch Center (1-866-334-3674) and inform them that you need a "FRA Reasonable Cause" test done, using Federal Forms and procedures!

**Employees must be read:**

*"You are being tested in accordance with Federal Railroad Administration guidelines. In order to comply, you must provide breath and urine samples as directed. In accordance with Federal Regulations, refusal to provide one or both will result in your immediate disqualification from covered service for a minimum of nine months. In addition to the nine month automatic suspension, you will be charged with insubordination in accordance with CSXT policy."*



## **AGREEMENT TOXICOLOGICAL TESTING**

(Non-federal)

**Effective January 1, 2005 - CSXT employees working under the "hours-of-service" act are not subject to Agreement Testing. See instructions on "FRA Optional Reasonable Cause."**

### **CRAFTS COVERED:**

**ATDA – BLE - B OF MW  
BRS - TCU (except C&O) - UTU**

### **AGREEMENTS PROHIBIT:**

1. Testing because of a violation of operating or safety rules when no FRA Reportable Accident occurred.
2. Testing coupled with routine physical examination authorized by the Medical Department.
3. Testing after anonymous telephone calls, letters, etc.
4. Testing after employee is relieved from duty.
5. Testing after 8 hours have passed from the triggering event. Triggering event time is considered the time supervision is notified of the event.

Employees covered by a Testing Agreement will be subject to toxicological testing as follows:

**NOTE: Agreement testing for personal injury was suspended, September 1, 1999.**

#### **1. ON DUTY PERSONAL INJURY**

BLE, UTU and B of MW employees receiving any on-duty personal injury (reportable or not) and ATDA, BRS and TCU (except C&O) employees receiving an on-duty reportable injury will be tested but only after the injury has been evaluated and/or treated by a health care professional. This includes allowing the employee to take any prescribed medication. (This will be taken into account by the CMO/MRO when interpreting the outcome of the test.)

Exception: No test shall be performed if the employee was a passive participant.

Examples of passive circumstances include, but are not limited to, the following:

- (1) Situations involving bee stings, dog bites, snake bites, etc.
- (2) Foreign particles in the eye when wearing safety glasses, or when safety glasses are not required.
- (3) Employees injured as a result of vandalism.
- (4) Passengers in company vehicles or in company furnished taxicabs that are involved in accidents.
- (5) Injuries as a result of exposure to hazardous materials in a customer's plant or facility.
- (6) Employees suffering from chronic occupational illnesses, developed from exposure over a long period of time, such as loss of hearing, asbestosis, etc.
- (7) Employees struck by flying objects, such as rocks, cinders, boards, etc.
- (8) Employees subjected to an assault by one or more persons when it is clearly evident that the injured worker did not provoke the assault.

Employees who cause another employee to get injured are not subject to testing under this category.

#### **DELAYED (LATE) TESTING**

The following governs all covered crafts except B of MW and applies in cases of a non-passive on-duty injury when:

1. The injury was not reported until the employee is off duty; or
2. For ATDA, BRS and TCU (except C&O) employees, a non-reportable injury did not become FRA reportable until off duty.
  - A. Then the supervisor will, after the employee marks up for duty, advise the Chief Medical Officer that a delayed testing situation has developed.
  - B. The Chief Medical Officer will advise the supervisor of what is to be done.

## **2. FRA REPORTABLE ACCIDENTS**

**Employees involved in a FRA reportable accident** that does not qualify for FRA Mandatory Testing will be tested except that testing will not be conducted in the case of:

- A. A grade crossing accident
- B. An act of God
- C. An act of Vandalism
- D. When known that the accident was caused solely by track or mechanical failure.
- E. Exclude testing those employees who had no role in the cause of severity of the accident.

**NOTE: Remember that the accident must reach the FRA reporting threshold before you can test for an accident.**

## **3. REASONABLE SUSPICION (Do not use Federal Form)**

**With the implementation of FRA mandatory Reasonable Suspicion testing effective January, 1, 1995 for hours of service employees, Reasonable Suspicion testing under Agreement Testing for hours of service employees no longer applies. It is still in effect for non-hours of service employees.**

**If you should wish to conduct a Reasonable Suspicion test on a non-hours of service employee do so with the following guidelines:**

**NOTE:** M of W employees subject to Agreement Testing may request a test if you are not going to perform a reasonable suspicion test. In doing so, they must sign a form indicating that the results of the test will not be confidential.

- A. Reasonable Suspicion tests are only to be made when the employee's appearance, behavior, speech, or body odors indicate the employee has been using alcohol or drugs.
- B. Determination of testing must be made by two supervisory employees, one of which must be qualified by having attended the railroad's drug and alcohol training program.
- C. A rule violation is not a reason to test an employee for reasonable suspicion; **however**, it may be a reason to check the employee to see if any of the characteristics mentioned above are present.

- D. Employees tested for Reasonable Suspicion will not be allowed to work until the test results have been received by the Medical Department and the Field Supervisor is notified that the employee is medically qualified.
- E. If it is decided to do a Reasonable Suspicion test, call the Medical Department, or the Chief Medical Officer directly, who will make arrangements for both the sample collection and the evaluation of the employee. If the incident occurs during other than regular working hours, contact the CSXT Drug and Alcohol Regulations Officer or Network Operations (904-359-7551) who will in turn contact the Chief Medical Officer or his assistant for instructions.

**GUIDELINES FOR CONDUCTING AGREEMENT TESTS  
For Non-Hours of Service Employees**

**Agreement Testing can be done for a FRA Reportable Accident or FRA Reportable Injury, but not for a Non-Reportable Injury. Remember that an injury must not be a passive type injury and a FRA Reportable Accident must at least have the possibility of being a human factor cause before testing can be done.**

**(1) EMSI**

EMSI National Dispatch will furnish the kits and do the collection, paperwork and mailing of kits. If an on site collection cannot be provided, the EMSI Solutions National Dispatch center will locate a clinic to complete the test.

Contact EMSI National Dispatch at **1-866-334-3674**. The National Dispatch Center phone lines are answered 24/7 by an EMSI dispatcher. The Dispatcher will obtain all the needed information, i.e. name, contact phone numbers, location, etc. Advise the dispatcher that you are requesting an "Agreement" test. The EMSI dispatcher will locate the closest available on-site collector, obtain an estimated time of arrival from the collector and will then confirm back with you within 15-20 minutes. If for some reason an on-site collector will not arrive in a timely manner, the Dispatcher will locate a local clinic to perform the test. National Dispatch will communicate directly with the clinic, providing testing protocol and method of payment. You will only be required to furnish employee information.

If EMSI can't respond before your 8 hour testing window is up or if they indicate it will take them 3 or more hours to respond, call your Superintendent for instructions.

**(2) INJURIES**

**First and Foremost** – Attend to the medical needs of the injured employee(s). If determined that a subsequent Agreement Test is to be performed, then arrange for the test to take place.

For injuries to be agreement tested at a medical facility be sure the medical facility can perform the test. If not, call EMSI National Dispatch Center, 1-866-334-3674 for assistance.

**(3) ACCIDENTS WITH NO INJURIES**

Transport the employees to a railroad facility. Instruct EMSI to meet you at that location. The facility must meet the same requirements as sites used for Random Testing i.e., a toilet, running water, a surface for writing, and a way to afford the employee privacy while giving a sample.

**(4) PROCEDURES FOR CSXT OFFICER**

**Employee must be read:**

*"You are being tested under the agreement between your organization and CSX Transportation. You are required to give urine samples. Failure to provide urine samples will result in your being taken out of service and charged with insubordination".*

Employees must be afforded privacy when giving urine samples unless an observed collection is necessary due to the belief that the individual has altered or substituted the specimen. If a facility states that it is their policy to have all drug screens observed, do not use that facility, find an alternate location for the testing if possible and advise the Chief Medical Officer's office of the particulars.

If you have problems, contact the CSXT Drug and Alcohol Regulations Officer, Network Operations or the Chief Medical Officer's office for assistance.

## **FMCSA DRUG & ALCOHOL TESTING**

### **Alcohol Prohibition:**

1. A driver may not report for duty or stay on duty:
  - a) With an alcohol concentration of 0.04 or greater (FMCSA regulation). However, CSXT would consider a concentration 0.02 to be a violation of Rule G.
  - b) If using alcohol.
  - c) Within four hours of using alcohol.
2. A driver who has an accident may not use alcohol until post-accident testing is done or for a period of eight (8) hours, whichever comes first.
3. Drivers cannot refuse to submit to alcohol testing and if they do, that employee cannot perform or continue to perform safety-sensitive functions.

### **Drug Prohibition:**

1. Drivers may not report for duty or stay on safety-sensitive duty while using any controlled substance. There may be an exception to this ruling if a physician has prescribed a substance and has advised that it does not interfere with a driver's ability to safely operate a motor vehicle.
2. Drivers may not report for duty or stay on safety-sensitive duty if they have tested positive for a controlled substance.
3. Employers may require drivers to report the use of any therapeutic drugs. And if they do, that employee cannot perform or continue to perform safety-sensitive functions.

### **Who is Subject to Testing?**

All employees who have CDL's (Commercial Driver's License), and drive a motor vehicle:

- 1) with a gross combination weight rating of at least 26,001 lbs.; or
- 2) with a gross vehicle weight rating of at least 26,001 pounds; or
- 3) designed to transport 16 or more passengers, including the driver; or
- 4) of any size that is used in the transportation of hazardous materials and is required to be placarded under government regulations.

### **What FMCSA Tests are Required:**

#### **Post-Accident:**

**When:** Following an accident where –

- A life was lost; or
- An injury requiring medical treatment away from accident scene and the company CMV driver was issued a citation for a moving traffic violation; or
- One or more motor vehicles incur disabling damage as a result of the accident, requiring the motor vehicles to be transported away from the scene by a tow truck or other motor vehicle and the company CMV driver was issued a citation for a moving traffic violation.

Both drug and alcohol tests are required for Post-Accident testing. Post-Accident alcohol testing should be done within 2 hours of the accident. If a test cannot be done within 8 hours, it should not be done. Post-Accident drug testing must be done within 32 hours.

#### **Random:**

Unannounced **random** testing is required on a certain percentage of CDL drivers each year.

### **Reasonable Suspicion:**

**When:** If a supervisor has reason to believe that a CDL driver's behavior or appearance may indicate alcohol or drug use.

Testing for reasonable suspicion must be based on:

- The observations of a trained supervisor.
- Specific, clearly stated observations concerning appearance, behavior, speech or body odor.
- Observations for alcohol testing must be made just before, during, or just after the employee performs safety-sensitive functions.
- Alcohol testing for reasonable suspicion should be done within 2 hours of the observation. Tests that cannot be done within 8 hours of the observation must not be done.

### **Testing an Employee:**

Call EMSI National Dispatch Center, **1-866-334-3674**, and tell them that you have either a "FMCSA Reasonable Suspicion Test" or a "FMCSA Post-Accident test."

**Employee must be read:** *"You are being tested under Federal Motor Carrier Safety Administration guidelines. In order to comply, you must provide breath and/or urine samples as directed. Failure to provide these samples will result in your being taken out of service, disqualified from performing an FMCSA safety-sensitive job and charged with insubordination."*



## **Drug and Alcohol Testing**

### **Appropriate Collection Sites Must Have;**

- Personnel (contracted collection agency, CSX Officer must be available)
  - Equipment (certified and provided by collection agent)
  - Facilities for collection
    - (a) Facility for urination
      - (1) single toilet with full length door
      - (2) source of water for washing hands external to the closed room, or must secure all sources of water
      - (3) moist towelettes provided outside of closed room for hand washing.
    - (b) Multi-stall restroom
      - (1) provides substantial visual privacy (partial length door)
      - (2) source of water for washing hands external to the closed room, or must secure all sources of water.
      - (3) moist towelettes provided outside of closed room for hand washing.
  - Temporary Storage (recommend available locker or other storage device that is securable)
  - Suitable clean surface for writing.
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