



P&L TRANSPORTATION, INC.

FEDERAL RAILROAD ADMINISTRATION

**CONTROL OF ALCOHOL AND DRUG USE
(49 CFR PART 219)**

**MODEL PART 219
RAILROAD COMPLIANCE PLAN**

Send plan submission via email to FRA-DrugAlcoholProgram.email@dot.gov

Date of FRA Plan Submission:

3/17/2022

Effective Date of Plan:

4/1/2022

Date of FRA Plan Approval:

(To be completed by FRA)

3/17/2022

This Plan Is (Select Below):

Plan Revision

Name of Railroad(s) and FRA Reporting Code(s):

*PADUCAH & LOUISVILLE RAILWAY, INC. (PAL)
EVANSVILLE WESTERN RAILWAY, INC. (EVWR)
APPALACHIAN AND OHIO RAILROAD, INC. (AO)
MIDWAY SOUTHERN RAILWAY, INC. (MWS)*

MODEL PART 219 RAILROAD COMPLIANCE PLAN

FRA's Model Part 219 Railroad Compliance Plan has been developed by FRA as a tool to assist railroads in complying with the requirements of Title 49, Code of Federal Regulations Part 219 with respect to submission and approval of random alcohol and drug testing and the required programs. This plan, although initially developed for the smaller railroads, may be used by all railroads regardless of class.

Only railroads that are required to comply with Part 219 are authorized to use Federal authority. Therefore, entities having less than 16 covered service employees (unless they operate on tracks of another railroad or otherwise engage in joint operations with another railroad except as necessary for purposes of interchange) are not authorized to utilize Federal authority to conduct Federal random or reasonable cause testing. In those instances, a railroad should use "Company Policy Testing" as their authority. All railroads subject to Part 219.3 would still be responsible for complying with Subpart C – Post-Accident testing requirements.

Simply signing and adopting this plan does not constitute compliance. The actions required by the regulation must be in accordance with regulatory requirements to achieve compliance. **In all cases where there is a difference between this plan and 49 CFR Part 219 or 49 CFR Part 40, the CFR takes precedence.**

Title 49, CFR Part 40 requires employers to have a Designated Employer Representative (DER), defined in 40.3 as "An employee authorized by the employer to take immediate action(s) to remove employees from safety-sensitive duties, or cause employees to be removed from these regulated duties, and to make required decisions in the testing and evaluation processes. The DER also receives test results and other communications for the employer, consistent with the requirements of Part 40. Service agents cannot act as DERs." In the past, this person may have been referred to as the Program Administrator.

I. Policy Statement

P&L TRANSPORTATION, INC. recognizes the problem of substance abuse in today's society. This problem poses concerns to an employer who is subject to governmental regulations and seeks to promote the safety of the public. This railroad has a concern for the safety, health, and well-being of its employees as well as an obligation to comply with the United States Department of Transportation (DOT) and Federal Railroad Administration (FRA) regulations. This railroad will comply with all statutes and regulations administered by the FRA in implementing the required Part 219 Drug and Alcohol Program.

Programs have been established on this railroad which requires regulated employees to demonstrate their safety posture through complying with:

1. Urine screens to detect the presence of marijuana, cocaine, opioids, phencyclidine, and amphetamines (See 49 CFR § 40.85 and 49 CFR § 40.87);
2. Breath alcohol tests to detect the unauthorized use of alcohol; and
3. Breath, urine, blood, and tissue (fatality) testing after qualifying FRA post-accident events.

In accordance with the applicable Federal regulations, this railroad prohibits persons who perform work regulated by the Federal Hours of Service (HOS) Laws (see 49 U.S.C. §§ 21101-21108); and/or employees performing duties as Maintenance-of-Way (MOW) workers as described in the definition of "Roadway Worker" in § 214.7; and/or employees performing Mechanical functions (MECH) duties covered by the definition of "Mechanical Employees" in § 219.5, from being under the influence and/or possession of illegal substances and/or under the influence of alcohol while on duty or within four hours of reporting for regulated service. Additionally, illegal substance use is prohibited on or off duty, except as allowed in 49 CFR § 219.103.

II. Identifying Information.

Railroad:

Name of Railroad: PADUCAH & LOUISVILLE RAILWAY, INC.
Address: 200 CLARK STREET, PADUCAH, KY 42003
Office Phone: 270-444-4304
Cell Phone: 270-331-4304
E-Mail: KTUCKER@PALRR.COM
Additional Notes: ALL RECORDS KEPT AT THIS LOCATION.

Name of Railroad: EVANSVILLE WESTERN RAILWAY, INC.
Address: 818 W 2ND STREET, MT. VERNON, IN 47620
Office Phone: 270-444-4304
Cell Phone: 270-331-4304
E-Mail: KTUCKER@PALRR.COM
Additional Notes: ALL RECORDS KEPT AT PADUCAH, KY LOCATION.

Name of Railroad: APPALACHIAN AND OHIO RAILROAD, INC.
Address: 54 N. KANAWHA STREET, BUCKHANNON, WV 26201
Office Phone: 270-444-4304
Cell Phone: 270-331-4304
E-Mail: KTUCKER@PALRR.COM
Additional Notes: ALL RECORDS KEPT AT PADUCAH, KY LOCATION.

Name of Railroad: MIDWAY SOUTHERN RAILWAY, INC.
Address: 7000 W. 71ST STREET, BLD 2, BEDFORD PARK, IL 60638
Office Phone: 270-444-4304
Cell Phone: 270-331-4304
E-Mail: KTUCKER@PALRR.COM
Additional Notes: ALL RECORDS KEPT AT PADUCAH, KY LOCATION.

Designated Employer Representative:

Name: KAREN M. TUCKER
Address: 200 CLARK STREET, PADUCAH, KY 42003
Office Phone: 270-444-4304
Cell Phone: 270-331-4304
E-Mail: KTUCKER@PALRR.COM
Additional Notes:

Assistant Designated Employer Representative:

Name: ALAYNA STINNETT
Address: 200 CLARK STREET, PADUCAH, KY 42003
Office Phone: 270-444-4330
Cell Phone: 270-243-5529
E-Mail: ASTINNETT@PALRR.COM
Additional Notes:

Medical Review Officer:

Name: UNIVERSITY SERVICES MRO TOXICOLOGY SERVICES GROUP
Address: 2800 BLACK LAKE PLACE, SUITE A, PHILADELPHIA, PA 19154

Office Phone: 215-637-6800; 800-624-3784

Fax Number: 215-637-6998

E-Mail:

Additional Notes:

Testing Laboratory (must be on HHS list of certified labs):

Name: CLINICAL REFERENCE LABORATORY (CRL)

Address: 8405 QUIVIRA ROAD, LANEXA, KS 66215

Office Phone: 800-445-6917

Fax Number:

Additional Notes:

Substance Abuse Professional (SAP):

Name: SAP REFERRAL SERVICES (SRS)

Address: 8441 BELAIR ROAD, SUITE 204, NOTTINGHAM, MD 21236

Office Phone: 410-668-8110; 888-720-SAPS

E-Mail:

Additional Notes:

III. Scope

This policy applies to all railroad personnel (including contractors and volunteers) who perform the following FRA regulated duties:

- **Subject to the Federal Hours of Service (HOS) Laws also commonly referred to as “Covered Service” or,**
- **Employees performing Maintenance-of-Way (MOW) duties covered by the definition of “Roadway Worker” in § 214.7 or,**
- **Employees performing Mechanical functions (MECH) duties covered by the definition of “Mechanical Employees” in § 219.5.**

This railroad has a total of 192 regulated service employees (including volunteers and contractors) who perform **“Hours of Service”** functions.

This railroad has a total of 59 regulated service employees (including volunteers and contractors) who perform **“Roadway Worker”** functions.

This railroad has a total of 34 regulated service employees (including volunteers and contractors) who perform **“Mechanical Employee”** functions.

The total number of all regulated employees (**include covered service, roadway workers and mechanical employees**) at the time of this submission is: **285**

Note: Include any regulated contracted employees in the above counts that are included in the railroad's random testing pools and covered by this policy.

If applicable, identify the following for any regulated contractors your railroad is using (**if you have multiple regulated service contractors please add additional fields as necessary. If you have more than five (5) regulated contractors, use the attachment page at the end of this document**)

Name of contractor:

Regulated service performed for your railroad:

Address:

Contact Person:

Office Phone:

Cell Phone:

E-Mail:

Identify whether you operate on tracks of another railroad (or otherwise engage in joint operations with another railroad, except as necessary for purposes of interchange). If so, please list name of railroad(s) and mileage:

Name of railroad: **SEE ATTACHED**

Total numbers of miles:

Previous Employer Checks: This railroad is required to check on the drug and alcohol testing record of employees it is intending to use to perform regulated duties. This railroad will, after obtaining an employee's written consent, request information from DOT-regulated employers who have employed the employee during any period during the two years before the date of the employee's application or transfer into regulated service. **See 49 CFR 40.25.**

An employee must also be asked whether he or she tested positive (or refused to test) on any Federal pre-employment drug or alcohol test administered by a DOT employer

to which the employee applied for, but did not obtain regulated service work during the past two years.

With respect to any employee who violated a DOT drug and alcohol regulation, documentation of the employee's successful completion of DOT return-to-duty requirements (including Federal follow-up tests) must be provided to this railroad.

IV. Testing Programs

There are numerous situations when Federal **drug and/or alcohol tests** must be administered for the railroad to be in compliance with 49 CFR Part 219. Personnel performing functions listed in Section III of this policy will be required to submit to a drug and/or alcohol test in the instances set forth, as follows:

- 1) **Pre-Employment Drug Testing** – (49 CFR 219.501) Applicants will be informed that all individuals this company will use for regulated service must be drug-free. Passing a Federal pre-employment drug test is a condition prior to performing regulated service duties. If an applicant refuses to submit to the drug test, or tests positive on the drug test, the applicant will not be considered qualified to perform regulated service and will not be offered a position in regulated service.

Federal Pre-Employment Alcohol Testing (Optional) – (49 CFR 219.502)
Authorized but not required. This railroad chooses to conduct Federal alcohol pre-employment testing? Check one of the following boxes:

☒ Yes ☐ No

- 2) **Federal Reasonable Suspicion Testing** – (49 CFR 219.301)
Regulated service personnel will be **required** to submit to a Federal drug and/or alcohol test whenever a properly trained supervisory employee of this railroad has reasonable suspicion that a regulated employee is currently under the influence of or impaired by a controlled substance or alcohol. Reasonable suspicion must be based on specific, contemporaneous personal observations the supervisor can articulate concerning the employee's appearance, behavior, speech, body odor, chronic effects, or withdrawal effects.

Part 219.11(g) requires supervisory employees to have education and training on alcohol misuse and controlled substance use. The training will cover the physical, behavioral, speech and performance indicators of probable alcohol misuse and use of controlled substances. It will also prepare the supervisors to make the decisions necessary in reasonable suspicion and FRA post-accident situations (i.e., what is a qualifying event and who is to be tested).

The observation for alcohol must be made by at least one qualified supervisory employee who has received proper training in the signs and symptoms of alcohol

use per 219.11(g). Documentation of this decision must be maintained, as required by Part 219 Subpart J.

The observation for drugs must be made by at least two qualified supervisory employees, one of which has received proper training in the signs and symptoms of drug use/misuse per 219.11(g). One qualified supervisor must be on-site, but the supervisor trained per 219.11(g), although preferred does not have to be the supervisor on-site. Documentation of this decision must be maintained, as required by Part 219 Subpart J.

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

Supervisors must document their observations that led them to decide there was a “reasonable suspicion” to have the regulated service person subjected to Federal drug and/or alcohol testing.

3) **Federal Reasonable Cause Testing** – (49 CFR 219.401)

Authorized but not required. A railroad must choose whether or not to conduct Federal drug and alcohol Reasonable Cause testing. If a railroad selects to conduct Federal (DOT) Reasonable Cause testing, then the railroad cannot perform company (non-DOT) testing for any event described in 219.403. If a railroad selects to conduct company (non-DOT) Reasonable Cause testing, then the railroad cannot perform DOT testing for any event described in 219.403.

This railroad chooses to conduct Federal Reasonable Cause drug and alcohol testing for all train accident/incidents and rule violations that meet the criteria of 49 CFR 219.403. Check the appropriate box:

☐ Yes ☒ No

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

- a. Was involved in a qualifying Train accident/incident per 219.403 (a) and a supervisor has a reasonable belief based on specific and articulable facts that the regulated service person’s acts or omissions contributed to the occurrence or severity of the accident/incident; or
- b. Committed a rule violation described in 219.403 (b).

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

Supervisors must document their observations that led them to decide there was a “reasonable cause” to have the regulated service person subjected to Federal drug and/or alcohol testing.

4) **FRA Post-Accident Drug/Alcohol Testing** – (49 CFR 219.201)

FRA regulations require blood and urine specimens from all surviving **regulated service personnel** when they are directly involved in a qualifying accident or incident. Tissues are also collected, in addition to urine and blood from any fatality involving an on-duty railroad employee (**direct or “regulated service” contractual employee**). Events requiring FRA post-accident testing include (note regulatory exceptions will be followed):

1. **Major Train Accident** involving any rail equipment accident with reportable damages in excess of the current calendar year reporting threshold under 49 CFR Part 225 and one or more of the following:
 - a. A fatality (any fatality).
 - b. A release of hazardous materials from railroad “lading” that results in an evacuation or reportable injury caused by the hazmat release.
 - c. Damage to railroad property of **\$1.5 Million** or more.
2. **Impact Accident** involving reportable damage in excess of the current reporting threshold that results in:
 - a. A reportable injury; or
 - b. Damage to railroad property of \$150,000 or more.
3. **Fatal Train Incident** involving any on-duty railroad employee or regulated contractor employee where damages do not exceed the current reporting threshold.
4. **Passenger Train Accident** with a reportable injury to any person in a train accident involving damage in excess of the current reporting threshold that involves a passenger train.

5. **Human-Factor Highway-Rail Grade Crossing Accident/Incident**

meeting one of the following criteria:

- i. Regulated employee interfered with the normal functioning of a grade crossing signal system, in testing or otherwise, without first providing for the safety of highway traffic that depends on the normal functioning of such a system, as prohibited by § 234.209, is subject to testing.
- ii. Train crewmember who was, or who should have been, flagging highway traffic to stop due to an activation failure of a grade crossing system, as provided § 234.105 (c)(3), is subject to testing.
- iii. Regulated employee who was performing, or should have been performing, the duties of an appropriately equipped flagger (as defined in § 234.5), but who failed to do so, due to an activation failure, partial activation, or false activation of the grade crossing signal system, as provided by § 234.105 (c)(1) and (2), 234.106, or 234.107 (c)(1)(i), is subject to testing.
- iv. If there is a fatality of any regulated service employee regardless of fault. (fatally injured regulated employee must be tested)
- v. If regulated employee violates an FRA regulation or railroad operating rules and whose actions may have played a role in the cause or severity of the accident/incident, is subject to testing.

Testing Decision: For an accident that meets the criteria for a Major Train Accident, all assigned **crew members of all involved trains and on-track equipment must be tested.** Test any other regulated service employees that had a possible role in the cause or severity of the accident.

For an Impact Accident, Fatal Train Incident, Passenger Train Accident or Human-Factor Highway-Rail Grade Crossing Accident/Incident, test any other regulated service employees that had a possible role in the cause or severity of the accident. The railroad must exclude other regulated service employee if the responding railroad representative can immediately determine, on the basis of specific information, that the employee had no role in the cause(s) or severity of the accident/incident (considering any such information immediately available at the time).

For a fatal train incident, the fatally injured employee cannot be excluded from being tested.

If there is a fatality of any regulated service employee as result of a Highway-Rail Grade Crossing Accident/Incident, the fatally injured regulated employee must be tested regardless of fault.

Exceptions from Testing: No test may be required in the case of a collision between railroad rolling stock (including any on-track equipment) and a motor vehicle or other highway conveyance at a rail/highway grade crossing, unless it meets the criteria set forth above in Item 5 (i-v).

No test may be required in the case of 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 to vandalism or trespasser(s), as determined on the basis of objective and documented facts by the railroad representative responding to the scene.

The railroad supervisor(s) on the scene will make **timely** determinations as to the event being a qualifying event and which regulated service employees (if any) are required to be tested according to the rule.

This railroad will identify the appropriate personnel who must be tested and then ensure that specimens are collected and shipped.

Collection of Urine and Blood Specimens: Employee specimens will be collected at a medical facility, i.e., hospital, clinic, physician's office, or laboratory where toxicological specimens can be collected according to recognized professional standards. Specimen collections will be accomplished using the FRA Post-Accident Toxicological Testing Kit. Specimens will be collected, packaged, and shipped via express courier service by the railroad, to the FRA's designated post-accident testing laboratory.

Random Drug and Alcohol Testing – (49 CFR 219.601)

The railroad is responsible for ensuring that the random program meets regulatory requirements and is approved by FRA (see Appendix A). The principles which are required in the FRA regulation for the plan to be in compliance are attached (see Appendix B). The selection process will ensure that each regulated service person has an equal chance of being selected at every random selection. The random plan shall ensure that testing is accomplished at the beginning and at the end of the duty period for alcohol. The **minimum** annual random percentage of alcohol testing at either end of the duty period is 10 percent over the course of the year.

Regulated Service (Covered Service)

Current employers must test at a **minimum** of **25 percent annual rate for drugs and 10 percent annual rate for alcohol** for employees who perform regulated duties subject to the Federal Hours of Service Laws “**Covered Service**”. A railroad is permitted to test at a higher rate than the minimum. You must identify if you are testing at a higher rate and if so, the rate(s):

COVERED SERVICE EMPLOYEES ARE TESTED AT THE REQUIRED RATE OF 25 PERCENT ANNUAL RATE FOR DRUGS AND 10 PERCENT ANNUAL RATE FOR ALCOHOL

Regulated Service (Roadway Worker)

Current employers must test at a minimum **25 percent annual rate for drugs and 10 percent annual rate for alcohol** for employees who perform regulated duties defined as “**Roadway Worker**” in **49 CFR § 214.7**. A railroad is permitted to test at a higher rate than the minimum. You must identify if you are testing at a higher rate and if so, the rate(s):

REGULATED SERVICE EMPLOYEES ARE TESTED AT THE REQUIRED RATE OF 25 PERCENT ANNUAL RATE FOR DRUGS AND 10 PERCENT ANNUAL RATE FOR ALCOHOL

Regulated Service (Mechanical Employee)

Current employers must test at a minimum **50 percent annual rate for drugs and 25 percent annual rate for alcohol** for employees who perform regulated duties defined as “**Mechanical Employee**” in **49 CFR § 219.5**. A railroad is permitted to test at a higher rate than the minimum. You must identify if you are testing at a higher rate and if so, the rate(s):

REGULATED SERVICE EMPLOYEES ARE TESTED AT THE REQUIRED RATE OF 50 PERCENT ANNUAL RATE FOR DRUGS AND 25 PERCENT ANNUAL RATE FOR ALCOHOL

Random Testing Pools:

- a) Identify and maintain an up-to-date database or list of all personnel working in regulated service (at least once per quarter) and ensure they are all in the random pool(s). Identify how many random testing pools you have. For example, most short line railroads will have only one random pool, but larger railroads may have multiple pools:

3 RANDOM POOLS

- b) Identify what regulated service employee crafts/functions are in each of the railroad’s random testing pool(s). For example, engineers, conductors, brakemen, switchmen, utility employees, hostlers, mechanical employees performing hostling duties, train dispatchers, signal maintainers, roadway workers, mechanical workers, etc.

#1. COVERED SERVICE POOL CONSISTS OF: ENGINEERS, CONDUCTORS, BRAKEMENT, SWITCHMENT, UTILITY EMPLOYEES, TRAIN DISPATCHERS, AND SIGNAL MAINTAINERS

#2. REGULATED SERVICE EMPLOYEES QUALIFIED AS ROADWAY

WORKERS

#3 REGULATED SERVICE EMPLOYEES QUALIFIED AS MECHANICAL WORKERS

Random Selection and Testing Procedures:

1. There is only one preferred method of selection: A computer program. The lottery style, e.g., drawing names out of a hat is no longer an acceptable method of selection. Identify the name of the **Computer Program** being utilized and provide a detailed description of the program below:

Name of the computer program being used

SEE ATTACHMENT

Detailed description of how the computer program functions:

SEE ATTACHMENT

2. Identify whether your railroad is making selections by name, ID number, train number, job number, etc.
EMPLOYEE ID NUMBER
3. Random Pools are in a consortium controlled by a Third-Party Administrator (C/TPA):

☐ Yes ☒ No

4. If using C/TPA consortium pools, please provide name of the C/TPA pool:
N/A

5. Random Pools are in a stand-alone pool managed by a Third-Party Administrator (TPA):

☒ Yes ☐ No

If your railroad is using a consortium/third party administrator to assist in random testing, identify the following information for the C/TPA:

Name of C/TPA: MIDLANDS TESTING SERVICES, INC.

Address: 711 N 108TH COURT, SUITE 101, OMAHA, NE 68154

Contact Person: LORLEE BYRD

Phone Number: 402-983-9590

Please mark the following services the C/TPA are performing for your railroad:

- ☐None
- ☐Random Pool Maintenance
- ☒Random Pool Selections
- ☒Collection Services – Drug
- ☒Collection Services – Alcohol
- ☒HHS Laboratory
- ☒Medical Review Officer (MRO)
- ☐Substance Abuse Professional (SAP)
- ☐Employee Assistance Professional (EAP)
- ☐Drug and Alcohol Counselor (DAC)
- ☐Other:

6. Identify how often your railroad is making selections, e.g., monthly or quarterly:

MONTHLY

Note: If selecting quarterly in order to maintain the deterrent effect of random testing for very small railroads and contractors, FRA is requiring each individual random testing pool established under subpart G to select and randomly test at least one entry per quarter, even if fewer tests are needed to meet FRA’s minimum random testing rates.

Objective Procedure, if making quarterly selections:

N/A

7. Identify how you determine whether a selection is to be tested for drugs, for alcohol, or both:

Selection program looks at the bifurcated rate and first selects the combination tests (those donors that need both drug and alcohol), then whichever rate is larger (typically the drug selection rate) those selections are made for only that testing type. So if you are selecting 5 drug and 3 alcohol, there will be 3 employees selected for Drug and Alcohol tests and 2 employee selected for Drug Only tests.

8. Identify your testing “window,” e.g., 30 days:

30 DAY TESTING WINDOW, BUT NOT TO EXCEED THE END OF THE MONTH

Note: If you are making monthly selections, the testing windows may not exceed 30 days and not past the end of the month. If you’re making quarterly selections, the testing window is 90 days but not past the end of the quarter.

9. Provide additional descriptions of your random testing selection procedure, as applicable:
N/A
10. This railroad will safeguard these selection records to ensure that information concerning collection dates and selections are not disclosed until necessary to arrange for collection or provide notifications.
11. These random testing records are required to be maintained for 2 years. This includes an electronic or hard copy “snapshot” of the random testing pool each time selections are made, a copy of the list of selected employees, a copy of the drug chain of custody form and/or alcohol testing form, and the reason for not testing any of the selected employees.
12. In the event that all or a clearly defined portion of the railroad is subject to an emergency such as a flood or severe ice storm, the ranking operations officer on duty is authorized to declare an emergency by completing a memorandum setting forth the facts necessitating this action. If such an emergency determination is made, the date/time of the emergency and random drug/alcohol tests that were suspended must be entered into the DER’s files. Random selections not administered because of the emergency are deemed void, and the selection numbers will be adjusted later to make the required percentage.
13. Only a substantiated medical emergency involving the selected person or an emergency involving an immediate family member (e.g., birth, death, or a medical emergency) provides the basis for excusing a regulated employee/person from being tested once notified. A medical emergency is defined as an acute medical condition requiring immediate emergency care. A person excluded under these criteria must provide substantiation from a credible outside professional (e.g., doctor, hospital, law enforcement officer, school authority, court official) which can be furnished prior to this release or within a reasonable period of time after the emergency has been resolved. Such excluded (excused) persons will not be tested based on this selection.
14. Once the regulated service person selection is made, the DER will arrange notification. No prior notification will be given. A selected person will only be tested during his/her tour of duty, extended only long enough to complete testing but not to exceed Federal hours of service law requirements. The person, once notified, must proceed to the selected testing facility IMMEDIATELY. Identify how your railroad will notify selected employees:
EMPLOYEE’S SUPERVISOR OR ANOTHER MEMBER OF
MANAGEMENT WILL VERBALLY INFORM THE ON DUTY
EMPLOYEE THAT HE/SHE HAS BEEN SELECTED FOR TESTING
AND EITHER TURN EMPLOYEE OVER TO COLLECTOR OR ESCORT
EMPLOYEE TO COLLECTION FACILITY. SUPERVISOR WILL

REMAIN AT THE COLLECTION FACILITY BUT NOT IN THE SAME ROOM AS THE COLLECTION PROCESS.

15. The collection date and time during the selection period (testing window) will be varied by the DER to ensure that it cannot be anticipated. It is not necessary for the railroad to randomly select the “testing date.”

V. Drug Testing Procedures

The designated collection agents will be qualified and follow the proper collection procedures as described in 49 CFR Part 40.

- a. The Medical Review Officer (MRO) will review drug test results as required in 49 CFR Part 40. All test results will be reported exclusively through the MRO.
- b. A laboratory certified by the Department of Health and Human Services/ Substance Abuse and Mental Health Service Administration (DHHS/ SAMHSA), under the Mandatory Guidelines for Federal Workplace Drug Testing Programs, will perform all drug testing.
- c. Test results will be reported from the laboratory only to the MRO for review and action consistent with 49 CFR Part 40.
- d. The name of the individual providing the specimen will remain confidential and will not be provided to the laboratory performing the test. The testing laboratory is only able to identify the specimen by the specimen ID number printed on the chain-of-custody form. The laboratory will only use a urine custody and control form consistent with the requirements of 49 CFR Part 40.
- e. The designated laboratory will only test for the drugs listed in 49 CFR 40.85.
- f. The MRO will verify the results and report (using procedures in 49 CFR Part 40) to the DER whether the test was positive or negative and the drugs for which there was a positive result.

VI. Alcohol Testing Procedures

Breath alcohol testing will be performed by fully trained and certified Breath Alcohol Technicians (BAT) using the National Highway Traffic Safety Administration (NHTSA) approved testing devices. The results will be documented on an approved Federal Breath Alcohol Testing Form and will be signed by the employee and the BAT. At the time of the alcohol test, the employee will receive a copy of the test result, with an identical copy being sent to the railroad’s DER.

- a. Negative results. The DER will be mailed a copy of the negative test results.

- b. Positive results. The BAT will immediately and directly notify the railroad's DER if the test results are positive (0.02 percent or higher) who will take appropriate action to remove or restrict the employee from regulated service as required by Part 219.

VII. Drug Test Results

For any FRA testing, the railroad should as a "best practice" notify the employee in writing of test results.

Positive or Otherwise Non-Negative Results. If the laboratory reports the drug test result as POSITIVE or otherwise non-negative, the following procedures will be followed:

- a. The MRO will immediately inform the regulated service person of the result and offer the person the opportunity for an interview to discuss the test result. If the MRO has difficulty reaching the employee, the procedures set forth in 49 CFR 40.131 will be followed.
- b. The MRO will complete and document the review as required by 49 CFR Part 40 Subpart G, determining if the external chain of custody was intact, if the person has a legitimate medical explanation for the presence of any controlled substance, and whether there is any basis to question the scientific sufficiency of the test results. In the case of an opiate positive, the MRO will also make the special determinations required by the regulation.
- c. If the MRO verifies the test result as positive, the MRO will report the result to the railroad's DER. If the MRO determines that the result is non-negative and the non-negative result cannot be explained, the appropriate regulatory action will be pursued. The MRO will report the verified test result in accordance with 49 CFR § 40.163. The MRO will not provide the DER with the quantitative test results unless the employee, as stipulated in the regulation, disputes the test.

Negative results. If the MRO has determined that the drug test is NEGATIVE, the MRO will accomplish the required administrative review and report the negative results to the railroad's DER in accordance with 49 CFR § 40.163.

Negative-dilute results. Unless the MRO directs a railroad to conduct a recollection under direct observation (for a result with creatinine greater than 2mg/dL but less than or equal to 5 mg/dL), per 40.197, a negative-dilute is considered a negative test, although a railroad may, but is not required to direct the employee to immediately take another test. Such recollections must not be collected under direct observation unless there is another basis to do so. A railroad must treat all regulated employees the same. For example, it must not retest some employees and not others. A railroad

may establish different policies for different types of tests (e.g., conduct retests in pre-employment situations, but not in random test situations).

This railroad's policy for negative-dilutes that do not require re-collection under direct observation (when ordered by the MRO) is as follows:

ANOTHER TEST MUST BE CONDUCTED AS SOON AS POSSIBLE IF THE
NEGATIVE-DILUTE TEST IS FOR PRE-EMPLOYMENT, ENTRY INTO
REGULATED SERVICE, FOLLOW-UP AND RETURN TO DUTY TESTING

VIII. Confidentiality

- a. Medical information a regulated person provides to the MRO during the verification process is treated as confidential by the MRO and is not communicated to the railroad except as provided in Part 40.
- b. Confidentiality of Federal drug or alcohol testing results will be maintained as required by the regulations. For example:
 1. The laboratory observes confidentiality requirements as provided in the regulations. This railroad does not advise the laboratory of the identity of persons submitting specimens. The laboratory performing the testing must keep all records pertaining to the drug test for a period of two years.
 2. All test results will remain exclusively in the secure files of the MRO. The MRO will observe strict confidentiality in accordance with the regulations and professional standards. The MRO will retain the reports of individual test results as required in Part 219 Subpart J.
 3. The DER will maintain all test results reported by the MRO, both positive and negative, in secure storage. The results will be retained as required in Part 219 Subpart J. Other personnel will be informed of individual test results only in the case of positive tests and authorized only on a need-to-know basis.

IX. Regulated Service Personnel Training Program (49 CFR 219.11)

Each regulated service person will receive a copy of this policy and the other information requirements in 49 CFR Part 219.23 (e) which clearly states the prohibitions required by the regulation. In addition, each regulated person will be given information concerning the problems caused by alcohol or controlled substances and available methods of intervening when an alcohol or controlled substance problem is suspected, including confrontation, referral to an employee assistance program and/or referral to management.

X. Prescription Drugs (40 CFR 219.103)

The use of controlled substances (on Schedules II through V of the controlled substance list) is not prohibited if they are prescribed or authorized by a medical practitioner and

used at the dosage prescribed or authorized. Either one treating medical professional or a railroad-designated physician should determine that use of the prescription(s) at the prescribed or authorized dosage is consistent with the safe performance of the employee's duties. Regulated service employees should also seek the advice of a medical professional whenever they are taking any over-the-counter drug that may adversely affect the safe performance of duties.

XI. Compliance with Testing Procedures

- a. All regulated service personnel/applicants requested to undergo a Federal drug and/or alcohol test are required to promptly comply with this request. This railroad expects all prospective and current regulated service personnel to exercise good faith and cooperation in complying with any procedures required under this policy. Refusal to submit to a Federal drug or alcohol test required under FRA rules, engaging in any conduct which jeopardizes the integrity of the specimen or the reliability of the test result, or any other violations of the prohibited conduct in 49 CFR 219.101 or 219.102 could subject the person to disciplinary action (up to and including termination), independent and regardless of any test result. This includes failure to show up on time for a drug/alcohol test, failing to remain at the testing site until the testing process is complete, etc. (see 40.191).
- b. All DOT Federal return-to-duty and follow-up urine specimens must be collected under direct observation (using the direct observation procedures in 40.67 (i)). Note that a SAP may also require return-to-duty and follow-up "drug" tests in addition to alcohol tests following an alcohol positive of 0.04 percent or greater.
- c. Direct Observation Urine Collection Procedures: The collector (or observer) must be the same gender as the employee. If the collector is not the observer, the collector must instruct the observer about the procedures for checking the employee for prosthetic or other devices designed to carry "clean" urine and urine substitutes AND for watching the employee urinate into the collection container. The observer will request the employee to raise his or her shirt, blouse or dress/skirt, as appropriate, above the waist, just above the navel; and lower clothing and underpants to mid-thigh and show the observer, by turning around, that the employee does not have such a device.
 - 1) If the employee has a device, the observer immediately notifies the collector; the collector stops the collection; and the collector thoroughly documents the circumstances surrounding the event in the remarks section of the testing form. The collector notifies the DER. This is a refusal to test.
 - 2) If the employee does not have a device, the employee is permitted to return his/her clothing to its proper position for the observed collection. The observer must watch the urine go from the employee's body into the collection container. The observer must watch as the employee takes the specimen to the collector. The collector then completes the collection process.

- 3) Failure of the employee to permit any part of the direct observation procedure is a refusal to test.
- d. As a minimum, a regulated service person will be removed from FRA regulated service for a minimum of nine months if there is a finding of “refusal to test.”

XII. Positive Test Results

- a. **Alcohol positive of 0.02 to 0.039:** Regulated service personnel should receive written notification of test results which are other than negative. A Federal positive drug test or a Federal alcohol test result of 0.02 percent or greater or a refusal to test will result in immediate removal from regulated service under FRA regulations. A positive alcohol test of at least 0.02 percent but less than 0.04 percent will result in the removal of the person from regulated service for at least eight hours. The railroad is not prohibited from taking further action under its own company policy.
- b. **Federal violation:** A regulated service person with an MRO verified positive drug test or a breath alcohol test result of 0.04 percent or greater (or a refusal) has violated Federal regulations and must be immediately removed from regulated service. Prior to or upon withdrawing the employee from regulated service, the railroad must provide notice to the employee of the reason for this action. If the employee denies that the test result is valid evidence of alcohol or drug use prohibited by 219.101 or 219.102, the employee may demand and must be provided an opportunity for a prompt post-suspension hearing. **See 219.104 (c) for the hearing provisions.**

Even if the railroad does not wish to keep the employee in its employment, it must provide the above hearing (if requested) and at a minimum provide the employee with a list of qualified Substance Abuse Professionals. Prior to returning to regulated service the employee will be required to undergo an evaluation by a qualified Substance Abuse Professional (SAP) that is railroad approved, to determine the need for treatment and/or education. The employee will be required to participate and comply with the SAP-recommended treatment and any after-care or follow-up treatment that may be recommended or required.

After successful treatment, for a Federal positive drug test (or alcohol test result of 0.04 percent or greater), per the SAP’s requirements, the person must provide a Federal return-to-duty urine specimen and/or breath specimen for testing (which is negative) prior to being allowed to return to regulated service. In addition, the person will be subject to additional unannounced Federal follow-up testing, as determined by the SAP, for a maximum period of 60 months, with a minimum of six tests being performed in the first twelve months (**engineers and conductors – SAP will require a minimum of 6 drug tests and 6 alcohol tests in the first 12 months**). Failure to comply with these provisions and remain alcohol and/or

drug-free will result in subsequent removal from regulated service and could result in disciplinary action, up to and including termination. Note: Federal regulation does not guarantee the employee will maintain an employment relationship. This is determined via employer and employee negotiation. These Federal return-to-duty and follow-up drug tests must be collected under direct observation.

- c. Identify other employer sanctions (if applicable) for a Federal alcohol test result of at least 0.02 percent but less than 0.04 percent:

NO ADDITIONAL

Identify other employer sanctions (if applicable) for a Federal alcohol test result of 0.04 percent or greater:

NO ADDITIONAL

Identify other employer sanctions (if applicable) for a Federal positive drug test:

NO ADDITIONAL

XIII. Self-referral, Co-worker referral, and Non-peer referral (optional) Policies

This railroad's policy to comply with 49 CFR Part 219.1001 and 49 CFR Part 219.1003 is as follows:

Employment Relationship. As per 219.1003(b), a regulated employee who enters and follows the tenants of this program as discussed below, will maintain his or her position upon successful completion of an education, counseling, and treatment program as specified by a Drug and Alcohol Counselor (DAC). Before the employee is charged with conduct sufficient to warrant dismissal, the employee must seek assistance through the railroad for his or her alcohol or drug use problem or be referred for such assistance by another employee or by a representative of the employee's collective bargaining unit.

Imminent Detection. An employee may not use the referral program for the purpose of avoiding the imminent and probable detection of a rule violation by a supervising employee. No employee may take advantage of self-referral after being notified of a testing event or while in imminent risk of being detected for possession of alcohol or controlled substances.

Reasonable Suspicion. In the case of a co-worker referral (which is mandatory), or a non-peer referral (which is optional), if the employee accepts the referral and has agreed to a Rule G waiver, there is no need for the railroad to perform a Federal reasonable suspicion test. If the Federal reasonable suspicion test occurs, the referral takes precedence and a written request shall be submitted to the FRA Drug and Alcohol Program Manager for permission for reclassification to non-DOT status. This will allow the employer to vacate the return-to-duty and follow-up (RTD/FU)

requirements of the reasonable suspicion test violation. Thus, the co-worker referral will take precedence and all subsequent RTD/FU testing will be appropriately conducted under non-DOT/company authority as per Part 219 Subpart K. In this scenario, the reasonable suspicion positive test result(s) are not subject to 49 CFR Part 40.25 requests from any subsequent DOT-regulated employers.

In the case of a co-worker referral or a non-peer referral, when the employee does not accept the referral and does not agree to a Rule G waiver, the railroad must properly observe the employee for signs and symptoms of alcohol and/or drug use/misuse. If signs and symptoms are observed, the railroad must perform a Federal reasonable suspicion testing. In this scenario, the reasonable suspicion positive test result(s) are subject to DOT-regulated RTD/FU testing and 49 CFR Part 40.25 requests from any subsequent DOT-regulated employers.

Referral Sources. The railroad must specify whether, and under what circumstances, its policy provides for the acceptance of referrals from other sources, including (at the option of the railroad) supervisory employees. Identify acceptable referral sources besides the affected regulated service employee:

COWORKERS

This railroad accepts referrals from non-peer sources?

☐ Yes ☒ No

Examples of non-peer sources include friends and family, etc. that contact the railroad. A railroad representative will meet with the employee in person regarding the information and determine whether to the employee is unsafe to work with or in violation of 49 CFR Part 219. If the railroad representative determines that employee is unsafe, the employee may either accept or reject the referral.

If rejected, a railroad representative trained in signs and symptoms would perform a Rule G observation on the employee in question. If signs and symptoms are present, then the railroad representative would order reasonable suspicion testing of the on-duty employee.

General Conditions. If the employee accepts the referral, they must contact the DAC within 3 days.

The employee must cooperate with the DAC in the recommended course of counseling or treatment. Locomotive engineers and conductors that do not cooperate with the DAC will be considered to have active substance abuse disorders as per 49 CFR Part 240.119 and 49 CFR Part 242.115 and would have their confidentiality waived.

Once an employee has contacted the DAC, the DAC's evaluation shall be completed within 10 working days. If more than one evaluation is required, the evaluations must be completed within 20 working days.

No follow-up treatment, care, or testing shall exceed 24 months unless it involved a Part 219 violation.

Confidentiality. The railroad treats the referral and subsequent handling, including counseling and treatment, as confidential. With respect to a certified locomotive engineer, conductor or a candidate for certification, the policy of confidentiality is waived (to the extent that the railroad shall receive from the Employee Assistance Professional (EAP) or DAC, official notice of the substance abuse disorder and shall suspend or revoke the certification, as appropriate) if the person at any time refuses to cooperate in a recommended course of counseling or treatment.

Any drug and/or alcohol testing conducted pursuant to this railroad's referral policy is non-Federal testing because a violation of Federal regulations has not occurred.

Leave of Absence. The railroad will grant a minimum leave of absence that the DAC recommends completion of a primary education, counseling, or treatment program and to establish control over the employee's drug or alcohol abuse problem. An employee with an active substance abuse disorder may not perform regulated service until the DAC reports that safety is no longer affected.

Return to Service. The employee will be returned to service on the recommendation of the DAC. The employee must be returned to service within five working days of the DAC's notification to the railroad that the employee is fit to return to regulated service and the receipt of a follow-up testing plan as per Part 219.1003(h)(2). The railroad may condition the employee's return on a return-to-duty medical evaluation.

This railroad requires a return-to-duty medical evaluation?

☒ Yes ☐ No

Compensation. 49 CFR Part 219.1001(d)(1) does not require the railroad to compensate the employee for any period that the regulated employee is restricted from performing regulated service under the referral program. However, compensation at a nominal rate has been seen to markedly increase participation in the referral program to enhance safety at the railroad.

This railroad compensates employees while engaged in a referral program of education, counseling, and treatment?

☐ Yes ☒ No

Compensation is at % of regular pay while participating in a referral program.

Self-referral: Regulated employees may contact the DAC at the following telephone and/or email address and contact hours:

Drug and Alcohol Counselor (DAC):

Contact person: SAP REFERRAL SERVICES (SRS)

Address: 8441 BELAIR ROAD, SUITE 204, NOTTINGHAM, MD 21236

Phone Number: 410-668-8110; 888-720-SAPS

Optional Provisions.

1. The policy may provide that it does not apply to an employee who has previously been assisted by the railroad under a policy or program substantially consistent with 49 CFR Part 219.1005(c) or who has previously elected to waive investigation under 49 CFR Part 219.1005 (co-worker report policy). **Adopts this option:**

☒ Yes ☐ No

If you checked the above option “No”, please identify how many times and/or at what intervals an employee may use the referral programs:

N/A

2. A referral policy may provide that the rule of confidentiality is waived if the employee at any time refuses to cooperate in a DAC’s recommended course of counseling or treatment; and/or the employee is later determined, after investigation, to have been involved in an alcohol or drug related disciplinary offense growing out of subsequent conduct. Identify whether you adopt the first, second, or both options:

Adopts Both Options:

☒ Yes ☐ No ☐ N/A

Adopts 1st Option only:

☐ Yes ☐ No ☒ N/A

Adopts 2nd Option only:

☐ Yes ☐ No ☒ N/A

3. The policy may provide that, in order to invoke its benefits, the employee must report to the contact designated by the railroad either during non-duty hours (i.e., at a time when the employee is off duty); or while unimpaired and otherwise in compliance with the railroad’s alcohol and drug rules consistent with 219.1005(d).

Identify whether you adopt this optional provision:

☒ Yes ☐ No

4. The policy may require successful completion of a return-to-service medical examination as a further condition on reinstatement in regulated service. Identify whether you adopt this optional provision:

☒ Yes ☐ No

5. Other Optional Provisions:

AS AN ALTERNATIVE TO CONTACTING THE DRUG AND ALCOHOL COUNSELOR (DAC), A SELF-REPORTING EMPLOYEE MAY CONTACT THE DER OR ASSISTANT DER TO BEGIN THE REFERRAL PROCESS. THE EMPLOYEE MUST REPORT TO THE DER/ASSISTANT DER EITHER DURING NON-DUTY HOURS (I.E., AT A TIME WHEN THE EMPLOYEE IS OFF DUTY); OR WHILE UNIMPAIRED AND OTHERWISE IN COMPLIANCE WITH THE RAILROAD'S ALCOHOL AND DRUG RULES CONSISTENT WITH 219.1005(D).

Co-worker referral General Conditions and Procedures.

1. The alleged violation must come to the attention of the railroad as a result of a report by a co-worker that the employee was apparently unsafe to work with or was, or appeared to be, in violation of Part 219 or the railroad's alcohol and drug rules.
2. If the railroad representative determines that the employee is in violation, the railroad will immediately remove the employee from service in accordance with its existing policies and procedures. The railroad must allow the employee the opportunity to accept the co-worker referral. If rejected, the railroad may proceed to reasonable suspicion testing based on signs and symptoms of prohibited alcohol or drug use as determined by a trained supervisor.

APPENDIX A

Once the FRA has approved a Random drug and alcohol testing plan, the railroad will receive an approval letter, which includes these conditions.

STANDARD APPROVAL CONDITIONS FOR RANDOM TESTING PROGRAMS

1. This approval is effective upon receipt with respect to all matters within its scope. FRA reserves administration jurisdiction over all approvals and may reopen review based upon experience gained during implementation (audits).
2. Approval of the subject random testing program does not constitute or imply the granting of a waiver or exemption from any provision of Federal law or regulation. Compliance with all applicable provisions of 49 CFR Parts 219 and 40 is required. All random program plans must be applied in accordance with the criteria listed in this Appendix A and Appendix B.
3. Approval is contingent upon the railroad making appropriate amendments to the program to conform to any pertinent regulatory amendments that may be issued hereafter. Any such program amendments that may be required shall be submitted to the Associate Administrator for Safety at FRA by the effective date of the subject regulatory amendments, or by the expiration of 30 days from publication of the regulatory amendments in the *Federal Register*, whichever is later.
4. Amendments to the program shall be submitted as required by 49 CFR 219.605 and 49 CFR 219.607 and 49 CFR 219.609 and shall not be implemented prior to approval. The following guidance is provided with respect to when a program is deemed to have been amended.
 - A. Any change in the selection methodology, the criteria for scheduling collections, non-availability criteria, or other structural element is a program amendment. Any change in the organizational level at which a function is carried out is a program amendment.
 - B. Substitution of incumbents performing the same function at the same organizational level (persons or contractors/volunteers) is not deemed to amend the program. Notification of these changes would be appreciated to assist FRA in maintaining a liaison but is not required.
 - C. Any change in a program that is occasioned by an amendment of an applicable DOT/FRA regulation and that involves the exercise of discretion to choose between or among one or more courses of action is a program amendment required to be filed under item 3 above. Any non-discretionary change in a program that is required by amendment of an applicable DOT/FRA regulation is not considered a program amendment requiring approval; however, the Office of Safety, FRA, would appreciate receipt of an informational copy of the revised program document showing current compliance.
 - D. Any case not addressed above may be resolved by contacting the Office of Safety, Administrator for Safety or that individual's delegate.

APPENDIX B

CRITERIA FOR ASSESSING DEPARTMENT OF TRANSPORTATION (DOT) RANDOM DRUG AND ALCOHOL TESTING PROGRAMS

Section I. Random Testing Pools

- A. Random pool(s) must accurately and completely include all regulated service personnel. Whoever is performing the safety-sensitive “regulated service”, regardless of job title or status, is subject to 49 CFR Part 219 requirements (supervisors, volunteers, contractors, etc.). Pool lists must be retained for a minimum of two years.
- B. An employer may not mix regulated service and non-regulated service personnel in the same pool.
- C. Multiple pools for an employer are acceptable.
- D. Employees do not need to be placed in separate pools for drug and alcohol testing selection.
- E. Employees from different DOT operating administrations can be included in the same pool. It is strongly recommended, however, that employers not mix groups of personnel subject to different drug or different alcohol testing rates (i.e., having some employees subject to a 50% rate for drugs and other employees subject to a 25% rate in the same pool). If they do, they must test the entire pool at the highest selection rate for any of the groups with personnel in the pool.
- F. Pools may not be diluted with regulated service personnel who rarely perform regulated service duties (i.e., less than once per quarter).
- G. Pools must be routinely updated (i.e., at least monthly for employers with either a changing workforce or seasonal employees; and quarterly for employers with a generally stable workforce).
- H. Besides individual employees, specific jobs (i.e., third shift main dispatcher at XYZ location) or operational units (i.e., trains) may also be pool entries. However, there may not be a significant difference in the size of the entries in the pool.
- I. Pool entries may not be constructed in a way which could result in a manager/supervisor having discretion as to who would be actually provide a sample (e.g., a specific job cannot be selected with multiple people working in it at the same time, but with only one to be tested).

Section II. Random Selections

- A. Everyone in a pool must have an equal chance of selection in each selection period.
 - 1. No individual, job, or operational unit may be removed from the pool if it is still actively performing regulated service. However, employees doing de minimus regulated service may be eliminated from the pool (see Section I.-F).

2. There may be no selections without replacement (i.e., an individual cannot be removed from the pool because he or she was previously tested).
 3. No selection weightings are allowed which would increase or decrease the chance of any individual being selected.
- B. The following selection options are acceptable. Note that manual selection using names or social security numbers drawn out of a hat (or equivalent) is no longer an acceptable practice:
1. Computer programs which randomly select entries from an employee list without apparent bias. The specific selection criteria used by the computer must be extensively detailed in writing, and each computer draw must be retained as a record for a minimum of two years; or
 2. Manual selection from a list of employees using a random-number table. The specific criteria used to select from the table must be documented in writing, including detail on how the initial starting point in the table was determined. Each draw, as well as a copy of the table portion used, must be retained as a record for a minimum of two years.
- C. If the employee testing pool is so small that it does not allow testing each selection period, then the employer must have in place a mechanism to randomly determine which selection periods will have selections and which will not. The specific criteria used to make this determination must be detailed in writing and the determination itself must be retained as a record for a minimum of two years.
- D. If required drug and alcohol testing rates are different (i.e., 25% for drugs and 10% for alcohol) and a single pool is being used, it is permissible to select one list of employees and designate a proportion for both drug and alcohol testing and a proportion for drug testing only. The specific criteria used to make this determination must be detailed in writing, and the master selection list with both sub-groups clearly identified must be retained as a record for a minimum of two years.
- E. Employers should carefully monitor significant changes in its workforce to ensure that an appropriate number of tests will be conducted each year. Unless otherwise directed by the DOT Operating Administration, changes in the employee base of greater than 10% in a quarter should result in a recalculation of total tests required.

Section III. Implementation of Random Collections

- A. Collections must be distributed unpredictably throughout the designated testing period, covering all operating days (including holidays) and shifts (24-hour clock). There is no expectation that day/night or shift collection distributions be equal but there must be sufficient testing to establish deterrence by generally mirroring employer operations.
- B. Collections must be unpredictable within a work shift (some collections must be conducted at the beginning, middle, and end). There is no expectation that “within-shift” collection distributions be equal. Sufficient testing must be

conducted at the start, middle and end of shifts to provide deterrence. Both beginning of and ending of shift collections are particularly important. For alcohol testing, at least 10% of successful collections must fall within each period of the shift.

- C. No discretion is allowed with collection dates or collection times which would result in a subjective choice by a field manager/supervisor as to who was actually collected. That is, if a test time frame is permitted in the employer's program, a manager/supervisor with knowledge of specific personnel assignments may not have discretion in the selection of who will be tested.
- D. Specific reasons for "no-tests" must be documented in writing by the employer, with records maintained for two years. Acceptable reasons for no-tests should relate to critical safety concerns, unforeseen or unpredictable significant adverse impact to operations, or employee illness or vacation.

Section IV. Records

All records which support the random testing program, including notes, memoranda, pool makeups, number tables, etc., must be retained for a minimum of two years.



What You Need to Know About Federal Drug and Alcohol Testing

Federal drug & alcohol testing in the railroad industry must comply with DOT and FRA Federal regulations/procedures. This flier is a cooperative effort to provide regulated employees like you with the information you need to comply with Federal testing. Any other testing would be conducted under company authority.

- DOT and FRA testing regulations (49 CFR Parts 40 and 219) apply to all regulated employees who perform work regulated by the Federal Hours of Service Laws (see 49 U.S.C. §§ 21101-21108) **or** performing duties as Maintenance-of-Way (MOW) workers as described in the definition of “Roadway Worker” in § 214.7 **or** employees performing Mechanical functions (MECH) duties covered by the definition of “Mechanical Employees” in § 219.5. (e.g., train and engine employees, dispatchers, signal employees, roadway workers and mechanical employees).
- Always conduct yourself in a business-like manner and do not joke or make fun of the collection process. Testing is part of your responsibilities as a safety-sensitive rail employee.
- Follow the specimen collector’s instructions; e.g., remove your coat and empty your pockets.
- Be alert during the collection process and save the copies of the forms that are given to you.
- The paper form that is used to record the testing information will identify whether the test is under Federal or company authority, and state the reason for the test. A special form is used for FRA post-accident testing.
- Only the results of a **Federal** test (positive, adulterated, or substituted drug test; positive alcohol test - concentration of 0.04 or more; or refusal) trigger Federal sanctions, which include engineer decertification under Part 240 and conductor decertification under Part 242.
- If you feel you have been wrongfully charged with a Federal drug or alcohol violation, you are entitled to a hearing per 219.104 (c).
- Testing for **drugs** requires a urine specimen. Testing for **alcohol** uses a breathalyzer or a saliva swab (blood is taken for FRA post-accident testing only).

Drug and Alcohol Prohibitions

You are in violation of Federal regulations if you are in possession of alcohol or illegal drugs while assigned to perform regulated service; or if you use alcohol on duty; or within 4 hours of reporting for regulated service; or after receiving notice to report (whichever is the lesser period). Use of illegal drugs is prohibited on or off-duty.

Alcohol Concentration Below 0.02: A regulated employer may not use a Federal test result below 0.02 for Federal or company action. Breathalyzers are not certified at levels below 0.02, so a test result below 0.02 is negative.

Alcohol Concentration 0.02 to 0.039: If you are on railroad property with an alcohol test result from 0.02 through 0.039, your test result is “positive” for alcohol, and the regulated employer must remove you from regulated service for at least 8 hours. The regulated employer is not prohibited from taking further disciplinary action under company policy.

Alcohol Concentration 0.04 or More and/or Illegal/Unauthorized Drug Use: If you test positive for illegal or unauthorized drugs, and/or if you test positive for alcohol at 0.04 or higher,

you are in “violation” of the Federal rules and the regulated employer must remove you from regulated service. To be allowed to return to regulated service, you must first:

- Complete the Federal return-to-duty requirements, including evaluation by a Substance Abuse Professional and any recommended education and/or treatment; and have a negative result on your Federal return-to-duty test.
- If the regulated employer chooses to return you to duty, you may be subject to Federal follow-up testing for up to 60 months. You will take a minimum of six follow-up tests in the year after you return to work.

Drugs Tested: A certified laboratory tests your urine specimen for marijuana, cocaine, opioids, amphetamines, and PCP (and additional drugs for FRA post-accident testing).

Non-Negative Drug Test: The testing laboratory will report a non-negative (positive, adulterated, invalid, or substituted result) to the regulated employer’s Medical Review Officer (MRO).

- If your test result is non-negative, the MRO will interview you to determine whether you have a legitimate medical explanation for your test result (for example, use of a prescribed medication).
- The MRO will inform you of your right to request a test of your “split specimen” at a different laboratory. The regulated employer may charge the cost of testing your split specimen back to you if your split specimen test result is positive; and you only have 72 hours to make this request.

Prescription and Over-The-Counter Medications

You must inform one of your treating physicians of all the prescribed and over-the-counter drugs you are taking so that your doctor can determine if your use of these drugs is consistent with the safe performance of your duties.

- You must use the medication at the doctor’s prescribed or authorized dosage.
- The regulated employer may require you to obtain prior approval for any drugs you are taking.
- **Use Only Prescriptions in Your Name:** You may only legally use medications prescribed for you. You are not authorized to use medication prescribed for someone else, such as medications prescribed for your spouse, parents, or children. Using someone else’s prescription drugs can result in a positive Federal test result.

Direct Observation Urine Collection

Federal regulations require a collector or observer to directly observe you while you provide your urine specimen if:

- Your previous urine specimen was out of normal temperature range; or
- The collector previously observed you attempting to tamper or substitute a specimen; or
- Your previous test result was invalid due to an interfering substance and you did not have a legitimate medical explanation; or
- Your split specimen could not be tested following a non-negative test result; or
- A Federal return-to-duty or follow-up test (after you’ve had a Federal positive test result or refusal to test). The collector (or the observer) must be of the same gender as you for direct observation collections.

Shy Bladder (If you have difficulty providing a urine specimen)

- After your first unsuccessful attempt to provide an acceptable specimen, you have up to 3 hours to produce a single specimen of sufficient volume (you can’t combine specimens). You can consume up to 40 ounces of fluid.
- If you do not provide a specimen within those 3 hours, you must undergo a medical evaluation to determine if there was a medical reason for your inability to do so. If a

physician determines that there was no medical reason for your failure to provide a urine specimen, you will be charged with a refusal.

- Hours of service limitations generally apply to random collections except when the collector determines a direct observation collection is required (as referenced above).

Refusal to Test

A refusal to take a Federal test usually has harsher penalties than a positive test result. **Never** refuse to cooperate with the testing requirements. Take the test and if needed, address any issues you have later. A refusal includes:

- Failure to appear for a test or remain at the testing site
- Failure to cooperate with the testing process
- Failure to provide a sufficient amount of breath or urine (without an adequate medical explanation as determined by a physician through a required medical evaluation)
- Adulteration or substitution of your urine specimen
- Failure to permit any part of the direct observation procedures.

Fatal Flaws

There are only a few procedural errors serious enough to be considered “fatal” flaws that cause a Federal drug or alcohol test to be cancelled. A fatal flaw is a non-correctable procedural error which calls into question whether the specimen tested was really yours or whether the test result on your specimen was correct (for example, if the specimen ID numbers on your specimen bottle do not match those on your test form).

Highway- Rail Grade Crossing Accidents

If you are involved in a collision at a Highway-rail grade crossing, the event would not normally meet the criteria for Post-Accident testing, unless it meets specific Human Factor criteria described in 49 CFR Part 219.201(5)(i-v).

Since FRA regulations cover specific criteria for post-accident testing at highway-rail grade crossings, State and local laws on toxicological testing after rail accidents may not apply. **But**, an officer can still require you to be tested if he or she has “probable cause” to suspect that you were impaired (this has to be more than just the fact that an accident occurred - for example, the officer finds an open beer bottle in the cab) at the time of the accident. FRA does **not** advise resistance to law enforcement action. You must comply if the officer decides to test you. A carrier officer should become involved in this discussion immediately.

Voluntary Referral and Co-Worker Report Policies

- All regulated employers must have both of these programs available if you decide to voluntarily initiate action to address a substance abuse problem, whether that problem is yours or that of a co-worker.
- If you ask for help or a co-worker refers you under one of these programs, the regulated employer must keep you in their employment, maintain your confidentiality, and provide you a leave of absence as specified by the Drug and Alcohol Counselor (DAC) for treatment.
- You must follow the program’s guidelines to maintain these employee protections. The regulated employer is required to offer you only one “bite at the apple,” but programs vary. Check with your employer.

For more complete information review 49 CFR Part 40 and Part 219, ask your union representative, or your regulated employer’s Designated Employer Representative (DER) to share additional information with you. Text of the CFR is available at:

<http://railroads.dot.gov/divisions/partnerships-programs/drug-and-alcohol>.

ADDITIONAL ATTACHMENT INFORMATION

Name of Railroad: PADUCAH & LOUISVILLE RAILWAY, INC.
CSX at Madisonville KY for both Old Morganfield Branch (22.7 miles) and Peavey Spur (2.8 miles); CN at Paducah KY for Maxon District (4.7 miles); P&I at Paducah KY (14.9 miles)

Name of Railroad: EVANSVILLE WESTERN RAILWAY, INC.
CSX at Evansville, IN from MP OZA282.2 to MP OOH321.3 and MP OOH324.0 to MP 323.4 (9.1 miles) NS at Shirley, IL from MP 405.2 to MP 400.7 (4.5 miles)

Name of Railroad: APPALACHIAN AND OHIO RAILROAD, INC.
CSX at Grafton, WV from MP BA281.6 to BA 277.4 (4.2 miles) WVC at Tygart JCT, WV (2.0 miles) BMTRR at Alexander, WV (4000 ft) TERRI at Gilmer, WV (4586 ft)

Name of Railroad: MIDWAY SOUTHERN RAILWAY, INC.
N/A

Name of Railroad: PADUCAH & LOUISVILLE RAILWAY, INC.
This railroad has a total of 100 regulated service employees (including volunteers and contractors) who perform “**Hours of Service**” functions.
This railroad has a total of 40 regulated service employees (including volunteers and contractors) who perform “**Roadway Worker**” functions.
This railroad has a total number of 26 regulated employees (including volunteers and contractors) who perform “Mechanical Worker” functions.
The total number of all regulated employees (**include both covered service, roadway workers, and mechanical**) at the time of this submission is: 166.

Name of Railroad: EVANSVILLE WESTERN RAILWAY, INC.

This railroad has a total of 55 regulated service employees (including volunteers and contractors) who perform “**Hours of Service**” functions.

This railroad has a total of 12 regulated service employees (including volunteers and contractors) who perform “**Roadway Worker**” functions.

This railroad has a total number of 6 regulated employees (including volunteers and contractors) who perform “Mechanical Worker” functions.

The total number of all regulated employees (**include both covered service, roadway workers, and mechanical**) at the time of this submission is: 73.

Name of Railroad: APPALACHIAN AND OHIO RAILROAD, INC.

This railroad has a total of 15 regulated service employees (including volunteers and contractors) who perform “**Hours of Service**” functions.

This railroad has a total of 7 regulated service employees (including volunteers and contractors) who perform “**Roadway Worker**” functions.

This railroad has a total number of 2 regulated employees (including volunteers and contractors) who perform “Mechanical Worker” functions.

The total number of all regulated employees (**include both covered service, roadway workers, and mechanical**) at the time of this submission is: 24.

Name of Railroad: MIDWAY SOUTHERN RAILWAY, INC.

This railroad has a total of 22 regulated service employees (including volunteers and contractors) who perform “**Hours of Service**” functions.

This railroad has a total of 0 regulated service employees (including volunteers and contractors) who perform “**Roadway Worker**” functions.

This railroad has a total number of 0 regulated employees (including volunteers and contractors) who perform “Mechanical Worker” functions.

The total number of all regulated employees (**include both covered service, roadway workers, and mechanical**) at the time of this submission is: 22.



Dottie

Midlands Testing Services, Inc

Dottie Random Selection Manager

Midlands Testing Services, Inc.
711 North 108th Court, Suite 101
Omaha, NE 68154

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proprietary and confidential.*

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MODULE OVERVIEW

The Random Selection Manager, part of the Dottie Collection Management Software, allows DERs and their drug and alcohol teams to manage employee pools, both DOT and Non-DOT, for random selection. This module provides users an interface to upload employee pool spreadsheets to a secure server environment. The data in the spreadsheets is validated based on a set of rules, and then selection(s) are made based on the rate(s) the user provides.

This document outlines the general process that the Random Selection Manager uses to perform the selections. If any further information is necessary, please submit a request to dottie.support@mtstesters.com.

RANDOM SELECTION CONFIGURATION

In order for a client to perform random selections using the Random Selection Manager, specific permissions must be given to a user to allow them access to the tools. Additionally, MTS IT must configure the settings for each pool the client wants to manage prior to the client users accessing the Manager.

USER PERMISSIONS

There are two sets of users that will have access to the Random Selection Manager: internal MTS administrators, and client users, which can include DERs and their staff as well as HR users.

INTERNAL MTS ADMINISTRATORS

Internal MTS Administrators will have full access to the Random Selection Manager. These users will have a company dropdown on the main screen so they can perform selections on behalf of the client, at their request. These users will also be able to view past selection documentation, as well as review audit logs on all clients and their pools.

CLIENT USERS

Client users include DERs and/or any other designated client staff that require the ability to manage the selection process. If a DER is a member of a DOT pool, they will not be granted access to perform selections on that pool. This will require another user to perform these selections, as the DER cannot be pre-notified if they are selected for a DOT test. This is not an automated process and must be communicated by the client and configured by MTS IT.

Access to the Random Selection Manager for client users relies on the assignment of one or more new permissions: `can_perform_selections` and `view_selection_history`. Splitting these permissions apart allows us to have users who can perform selections, and administrative staff that can view the selections, but not perform them. The client will need to provide, in writing, the permissions granted to each person requiring access to the Random Selection Manager.

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Dottie Collection Management Software

POOL CONFIGURATION

For each client pool that needs to have selections performed, a one-time configuration process by MTS IT staff must be completed. The following information is required for each pool to be configured properly:

- Pool Name – The name of the pool, how it will be identified both on the screen during the selection process, and how the pool will be listed in selection documentation.
- DOT Status – whether or not this pool contains employees under DOT authority.
- Authority Type – The authority for the random test that will be created if a donor is selected from this pool. (i.e. company, FRA, FMCSA, etc).
- Selection Frequency – How often a selection is scheduled to be made on this pool (i.e. monthly, quarterly)
- Drug Selection Type – What type of selection rate is used to determine how many employees need drug testing (i.e. percentage, number of employees)
- Drug Selection Rate – The rate at which to select employees for drug testing.
- Alcohol Selection Type – What type of selection rate is used to determine how many employees need alcohol testing (i.e. percentage, number of employees)
- Alcohol Selection Rate – The rate at which to select employees for alcohol testing.
- Next Selection Due – The deadline date for when the next selection is due to be performed on this pool.
- Date Generation – whether or not pre-selected dates need to be assigned to each employee selected. Used to ensure testing is spread throughout the month for smaller clients.
- Window Length – for pools whose employees have a shorter window length (i.e. 7 days) to complete the tests. Used to determine the end date of a window when date generation is required.
- Job Code Requirement – If the job code is required to be saved for each employee. Necessary for when the client needs MIS data compiled at the end of the year.
- Supervisor Requirement – If each selected employee needs supervisory information attached. Used to allow for automatic manager notification emails.
- Location Requirement – If the location (city, state) is required for each employee selected.
- Manager Affidavit Requirement – If the collections generated for this pool require a manager affidavit to be filled out for each test performed.

Once a client pool is configured with the above information, several test selections are performed on a development system to ensure the configuration yields the proper results before running a real random selection for the pool. Selections intended for real-world use will only be performed on the live production system with the process described below.

THE RANDOM SELECTION PROCESS

The workflow to perform and complete a random selection is encompassed by these steps:

1. Employee Pool Data Upload
2. Employee Data Mapping
3. Employee Data Validation
4. Selection Rate Confirmation
5. Selection Documentation
6. Additional Data Mapping
7. Collection Creation and Notifications

Each of these steps is described in detail in the following sections.

STEP ONE: EMPLOYEE POOL DATA UPLOAD

First, the user will upload Excel workbooks containing employee data. These workbooks can either be made/maintained manually, or provided by an HR system. An Excel list of employee data is required for each pool, unless the user is choosing to skip a selection on a pool (see below).

At minimum, each employee pool list must contain a first name, a last name, and a unique employee identifying number (Employee ID/PIN).

Each file uploaded must be in the *.xls, *.xlsx, or *.csv format. The file must not contain multiple worksheets (tabs) and must have exactly one header row. Once all pools that are not marked as skipped have had a file provided for upload, validation is performed to ensure that the files are all in an acceptable format, can be opened, and are not password protected.

[Random Selection Manager](#)

Select a Company:
Choose a Company...

Perform Selections	Finalize Selections	Selection Reports	Selection Rates	Audit Logs
1. Upload Employee Lists	2. Map Employee Data	3. Validate Employee Data	4. Confirm Selection Rates	5. Download Selection Reports

The below pools need a selection performed before <lastday_currmonth in mm/dd/yyyy format>.

Please choose which pools you want to be tested in <Next Month - full name> <Curr Year YYYY>

Pool Name	Select for Testing in <Next Month>	File Upload
✓ FMCSA	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input type="text" value="filename.ext"/> <input type="button" value="Upload"/>
✓ FRA Name	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input type="text" value="filename.ext"/> <input type="button" value="Upload"/>
✗ Roadway Worker	<input type="radio"/> Yes <input checked="" type="radio"/> No	You have chosen to skip selection on the <Pool Name> pool for <Next Month> <Curr Year>.
! T&E	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input type="text" value="filename.ext"/> <input type="button" value="Upload"/>

The file format you uploaded is not supported.
Please upload a .xls, .xlsx, or .csv file.

Figure 1 - Sample Screen from Step One of the Selection Process

SKIPPING A SELECTION

If a user opts to skip a selection on a pool, they will be prompted with a confirmation to help them understand that there will be no selections performed on this pool, and that the due date will advance to the next applicable due date (determined by the pool's selection rate: monthly or quarterly).

In addition to pool selection being manually skipped, pools will be automatically skipped by the system in the event that a selection is not performed seven days after the due date for the selection.

Any pools that have a selection skipped will have an audit log entry made noting the skipped selection and the user who opted to skip the selection, if applicable.

A user cannot perform a selection once it has been marked as skipped, whether it was skipped manually or automatically.

STEP TWO: EMPLOYEE DATA MAPPING

For each Excel file that has been uploaded, users must map the columns of data to the fields necessary for the selection to be performed. The data that is required to be mapped is:

- Employee Name
- Unique Employee Identification Number

The employee name field can be in various formats, and must be identified on the screen so the name can be read in properly into the system (see Figure 2).

In addition, if the client has properties configured for their company, each employee must also have a valid property code mapped.

Random Selection Manager

Select a Company:
Choose a Company...

Perform Selections

Finalize Selections

Selection Reports

Selection Rates

Audit Logs

1. Upload Employee Lists

2. Map Employee Data

3. Validate Employee Data

4. Confirm Selection Rates

5. Download Selection Reports

For each pool listed below, please map how the data in your employee pool spreadsheet should be saved into the system.

FMCSA Pool

<p>First Name</p> <p>First Name</p> <p>You have selected the First Name column from your spreadsheet to map to the First Name field in Dottie.</p> <p>Please make sure the values listed below are First Names</p> <p>Eric Aaron</p>	<p>Middle Initial</p> <p><Blank Value></p> <p>This value will not be uploaded into Dottie from your spreadsheet.</p>	<p>Last Name</p> <p>Last Name</p> <p>You have selected the Last Name column from your spreadsheet to map to the Last Name field in Dottie.</p> <p>Please make sure the values listed below are Last Names</p> <p>Adkins Argent</p>	<p>Unique Employee Number</p> <p>Employee Number</p> <p>You have selected the Employee Number column from your spreadsheet to map to the Unique Employee # field in Dottie.</p> <p>Please make sure the values listed below are Unique Employee #s</p> <p>207680 207993</p>
--	---	--	---

HOS 1 Pool

<p>Employee Name</p> <p>Employee Name</p> <p>You have selected the Employee Name column from your spreadsheet to map to the Employee Name field in Dottie.</p> <p>What format are the Employee Names in?</p> <p>Smith, John A</p> <p>Please make sure the values listed below are Employee Names</p> <p>Adkins, Eric A Argent, Aaron Z</p>	<p>Unique Employee Number</p> <p>Employee Number</p> <p>You have selected the Employee Number column from your spreadsheet to map to the Unique Employee # field in Dottie.</p> <p>Please make sure the values listed below are Unique Employee #s</p> <p>207680 207993</p>
--	---

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Figure 2 – Sample Screen from Step Two of the Selection Process

STEP THREE: EMPLOYEE DATA VALIDATION

After each data column is mapped so the system knows where to find the required employee information, all employee data is validated. The following rules are in place to ensure all employee data is valid:

- Every employee must have a unique identifying number
- Every employee must have a first name
- Every employee must have a last name
- An employee can only exist in a single DOT pool per selection period. Employee IDs must be cross-referenced across all pools marked for DOT authority to ensure an employee is not in multiple DOT pools. However, an employee is allowed to be in a single DOT pool and a company pool at the same time.
- If a company has properties configured, every employee must have a valid property code that is already configured within the system.

If an employee pool spreadsheet does not pass validation, the user will be given a description of the error on the screen, and be prompted to correct their spreadsheet and re-upload a valid employee list (see Figure 3).

Once an employee pool spreadsheet has passed validation, it is uploaded to the system. Audit records are made for every employee that is added to or updated in the system. Employee pool spreadsheets are saved in their original form for the duration of the client's document lifecycle (typically 5-7 years). Copies of the original file uploaded can be provided upon request by the MTS IT Department.

Random Selection Manager

Select a Company:

Perform Selections

Finalize Selections

Selection Reports

Selection Rates

Audit Logs

1. Upload Employee Lists

2. Map Employee Data

3. Validate Employee Data

4. Confirm Selection Rates

5. Download Selection Reports

For each pool listed below, please review any validation errors. You will need to correct any errors found in your employee spreadsheet and re-upload it.

Pool Name	Validation Errors
✓ FMCSA	The employee list for this pool passed validation.
✓ FRA Name	The employee list for this pool passed validation.
✗ Roadway Worker	You have chosen to skip selection on the <Pool Name> pool for <Next Month> <Curr Year>.
! T&E	Duplicate Employee IDs Found: Line 27 - John Doe (207153) Line 54 - Bob Smith (207153)

Corrected File Upload

Upload

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Figure 3 – Sample Screen for Step Three of the Selection Process

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Dottie Collection Management Software

STEP FOUR: SELECTION RATE CONFIRMATION

The next step in the selection process is to determine the rate at which employees should be selected for alcohol and drug testing. The system can handle selections in which the alcohol and drug rates are the same, or they can be bifurcated.

The user is shown how many employees were uploaded in each pool, so they can cross-reference with their calculations to ensure all eligible employees were uploaded.

They can mark the selection rate by percentage, or by the number of employees to be selected, and then enter the rate for both alcohol and drug testing. When the user alters the rates, they will see an updated 'Projected Selection Count' showing them how many employees will be selected if they choose to proceed with the entered rates.

Random Selection Manager

Select a Company:
Choose a Company...

Perform Selections

Finalize Selections

Selection Reports

Selection Rates

Audit Logs

1. Upload Employee Lists

2. Map Employee Data

3. Validate Employee Data

4. Confirm Selection Rates

5. Download Selection Reports

For each pool listed below, please review the total number of employees in the pool. If this number is incorrect, please correct your employee pool spreadsheet, then go back and upload the updated list.

Next, choose the selection rate type for each pool, and confirm or update the selection rate values for drug and alcohol testing. Confirm that the Projected Selection Count is the number of employees you want selected before clicking the 'Next' button.

Pool Name	Employees in Pool	Selection Rate Type	Selection Rate Values	Projected Selection Count
FMCSA	37	<input type="radio"/> Percentage of Pool <input checked="" type="radio"/> Number of Employees	<input type="text" value="2"/> Employees for Drug Testing <input type="text" value="2"/> Employees for Alcohol Testing	2 - Drug & Alcohol Test 0 - Drug Only Test 0 - Alcohol Only Test
FRA Name	153	<input checked="" type="radio"/> Percentage of Pool <input type="radio"/> Number of Employees	<input type="text" value="2.5"/> Percentage for Drug Testing <input type="text" value="1.0"/> Percentage for Alcohol Testing	2 - Drug & Alcohol Test 2 - Drug Only Test 0 - Alcohol Only Test
Roadway Worker	You have chosen to skip selection on the <Pool Name> pool for <Next Month> <Curr Year>.			
T&E	276	<input checked="" type="radio"/> Percentage of Pool <input type="radio"/> Number of Employees	<input type="text" value="1.5"/> Percentage for Drug Testing <input type="text" value="0"/> Percentage for Alcohol Testing	0 - Drug & Alcohol Test 5 - Drug Only Test 0 - Alcohol Only Test

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Figure 4 – Sample Screen for Step Four of the Selection Process

Once the user has the rates set to perform the correct number of selections, choosing 'Next' will provide a confirmation screen to verify that the entered rates are what they wish to proceed with in performing the selections. At this point, they can choose to 'Abort Selection' and start the process over again, or choose to 'Run Selection' in which the random selection process will run and select employees for testing at the rates provided. For an in-depth description of the random selection process algorithm, see Appendix A on page 14.

In addition to confirming the selection rates with the user, the system will audit any changes to a pool configuration's selection rates the user specifies on this screen. As the selections are performed, audit records are made for every employee included in the selection and a second audit record is made for those employees selected for testing.

The screenshot shows the 'Random Selection Manager' interface. A modal window titled 'CONFIRM SELECTION RATES' is open, displaying the following information:

Pool Name	Selection Rate	Number of Employees
FMCSA Pool	2 employees selected for drug & alcohol testing	2
FRA Name Pool	2 employees selected for drug & alcohol testing 2 employees selected for drug only testing.	2
Roadway Worker Pool	Selection for this pool was skipped. No employees will be selected.	0
T&E Pool	5 employees for drug only testing.	5

The background interface shows a table of pools with columns for Pool Name, Employee Count, and Selection Rate. The pools listed are FMCSA, FRA Name, Roadway Worker, and T&E. The FRA Name pool has 153 employees and a selection rate of 2.5% for drug testing and 1.0% for alcohol testing. The Roadway Worker pool has a message: 'You have chosen to skip selection on the <Pool Name> pool for <Next Month> <Curr Years>'. The T&E pool has 276 employees and a selection rate of 1.5% for drug testing and 0% for alcohol testing.

Figure 5 – Sample Confirmation Screen for Step Four of the Selection Process

STEP FIVE: SELECTION DOCUMENTATION

Once a selection is performed, documentation is provided to the user, certifying the selection. The two types of selection documentation are the *Random Selection Certification Report* and the *Eligible Pool List Report*. For samples of these documents, please see Appendix B on page 16.

RANDOM SELECTION CERTIFICATION REPORT

Each selection on a pool will generate a Random Selection Certification report outlining the parameters at which the selection was ran, the employees selected, and the type of testing they were selected for.

Information on the Random Selection Certification report includes:

- Company Name
- DER Name
- Pool Name
- Unique Selection Identification Number
- Selection Date & Time
- Name of User that Performed the Selection
- Certification Statement
- Selection Rates
- Total Employee Count
- Final Percentage Selected
- Selected Employees, including test types they were selected for.

For a full example of a Random Selection Certification report, please see Figure 12 on page 16.

ELIGIBLE POOL LIST REPORT

Each selection on a pool will generate an Eligible Pool List report outlining all of the employees that were in the pool at the time the selection was made.

Information on the Eligible Pool List report includes:

- Company Name
- DER Name
- Pool Name
- Unique Selection Identification Number
- Selection Date & Time
- Name of User that Performed the Selection
- Filename from the Excel Employee List Uploaded
- Total Employee Count
- All Employees in Pool at Time of Selection, including if they were selected, and property code, if applicable.

For a full example of an Eligible Pool List report, please see Figure 13 on page 17.

STEP SIX: ADDITIONAL DATA MAPPING

After a selection is performed, it is not considered 'finalized' until all information required to create collections within Dottie is available. The information required is denoted by the client's pool configurations, communicated by the client in writing and configured by MTS IT prior to selection.

If all requirements are met when the selection is performed, the selection will automatically be considered finalized.

If additional data is required, the user will be able to map data from their original employee pool Excel file to fulfill the requirements. If the data required is not available in the Excel file, the user will be prompted to enter it manually.

Fields that may require additional data mapping include:

- Supervisor Information (name, employee ID, contact information)
- Location
- Job Code
- CDL Information (for FMCSA pools)
- Other fields as required by client pool configuration (Misc. Fields)

The additional data mapping step mirrors the original data mapping step for required employee data. The user will denote which columns in the original file contain the additional data information (see Figure 6.)

Random Selection Manager

Select a Company:

Perform Selections Finalize Selections Selection Reports Selection Rates Audit Logs

Do your employee list spreadsheets contain additional mapping data (i.e. job codes, locations, etc)? ☒ Yes ☐ No

FMCSA Pool

CDL Information

CDL #

You have selected the **CDL #** column from your spreadsheet to map to the **CDL Information** field in Dottie.

What format is the CDL Information in?

Please make sure the values listed below are **CDL Information**

AZ 8976514354
MT 687635143654

Job Code

Job Code

This information will need to be added manually for each selected employee in the next step.

<MISC FIELD NAME>

GL String

You have selected the **GL String** column from your spreadsheet to map to the **<MISC FIELD NAME>** field in Dottie.

Please make sure the values listed below are **<MISC FIELD NAME>**s

GL-0897-1873
GL-7458-9510

Supervisor Employee IDs

Manager ID

You have selected the **Manager ID** column from your spreadsheet to map to the **Supervisor Employee ID** field in Dottie.

Please make sure the values listed below are **Supervisor Employee IDs**

207680
207993

Supervisor Name

Mgr Name

You have selected the **Mgr Name** column from your spreadsheet to map to the **Supervisor Name** field in Dottie.

What format is the CDL Information in?

Please make sure the values listed below are **Supervisor Names**

Byrd, Ryan S
Smith, Mark L

Supervisor Phone Number

Supervisor Phone Number

This information will need to be added manually for each selected employee in the next step.

Supervisor Email Address

Mgr Email

You have selected the **Mgr Email** column from your spreadsheet to map to the **Supervisor Email Address** field in Dottie.

Please make sure the values listed below are **Supervisor Email Addresses**

rbyrd@traincomp.com
msmith@traincomp.com

Submit

Figure 6 – Sample Screen for Step Six - Finalizing Selections

If the data required by the system is not contained in the Excel file that was originally uploaded for the pool, the user will be prompted to manually input the data required. An example of this manual input can be seen in Figure 7.

Random Selection Manager

Select a Company:

Perform Selections Finalize Selections Selection Reports Selection Rates Audit Logs

We have identified that information is missing for the following employees. Please provide the required information for each employee below:

FMCSA Pool

Employee Name	CDL License Information	Job Code	<Misc Field Name>	Supervisor(s)
John Doe	87495812 <input type="text" value="NE"/>	Engineer	GL-0235-1235-5154	Matt Flynn (234875) Jesse Carmichael (247148)
Bob Smith	License Number <input type="text" value="License State"/>	Job Code/Title	<Misc Field Name>	
Ryan Byrd	License Number <input type="text" value="License State"/>	Job Code/Title	<Misc Field Name>	
William Johnson	License Number <input type="text" value="License State"/>	Job Code/Title	<Misc Field Name>	

Submit

MOW Pool

Employee Name	Location	Job Code	<Misc Field Name>	Supervisor(s)
Adam Levine	Chicago <input type="text" value="IL"/>	Conductor	GL-0235-1235-7842	PJ Morton (289541) Mickey Madden (246581)
James Valentine	City <input type="text" value="State"/>	Job Code/Title	<Misc Field Name>	
Sam Farrar	City <input type="text" value="State"/>	Job Code/Title	<Misc Field Name>	

Submit

Figure 7 – Sample Screen for Step Six – Manual Data Input

STEP SEVEN: COLLECTION CREATION & NOTIFICATIONS

Once all required data is mapped or manually input, the system validates the data. At this point, everything that is necessary to create collections within the Dottie Collection Management Software system should be present, and collection events are created for each donor selected in each pool.

A summary email of the selections performed will be sent to the user who performed the selections. If the client has automatic email notifications set up to send to their supervisors, the emails will be sent to the supervisors notifying them of the employees they are in charge of to schedule, and providing access to our online scheduling system.

SELECTION NOTIFICATIONS

There are a variety of email notifications set up within the Random Selection Manager to assist both MTS and the client in keeping the random selection process on track. The following are descriptions of the email notifications that can be sent out by the Random Selection Manager.

SELECTION SUMMARY NOTIFICATION

After completing a selection, a confirmation email should be sent to any MTS emails requiring notification, as well as any client emails on their selection notification list.

This summary should include which pools had a selection, how many employees were selected, and the unique random selection ID for reference. Additionally, a list of any pools that were skipped should be included, along with their new due date.

If no selections were performed, the summary table and message above it will be replaced with 'No selections were performed for this period.'

Random Selection Summary			
Thank you for utilizing Dottie's Random Selection module!			
Here is a summary of the selections that were performed:			
Pool Name	Employees In Pool	Employees Selected	Random Selection ID
Pool Name 1	325	25 for Drug and Alcohol 3 for Drug only 0 for Alcohol only	R0000025
Pool Name 2	173	15 for Drug and Alcohol 0 for Drug only 0 for Alcohol only	R0000026
Selections were skipped for the following pools:			
• Pool Name 3. Next selections due on {{date}}.			
To view your selection documentation, please log in to Dottie at https://mtsdottie.com and access the Random Selection module from the menu.			

Figure 8 – Sample Selection Summary Notification Email

UPCOMING SELECTION DUE NOTIFICATION

One of Dottie's daily tasks will be to scan for pools with due selections. If a selection is found that is due within seven, two, or one days, the system will generate a reminder email that an upcoming selection is due. Depending on how much time is left to perform the selection, the heading color will change with urgency. See Figures 9 for examples of this notification with various color headings.

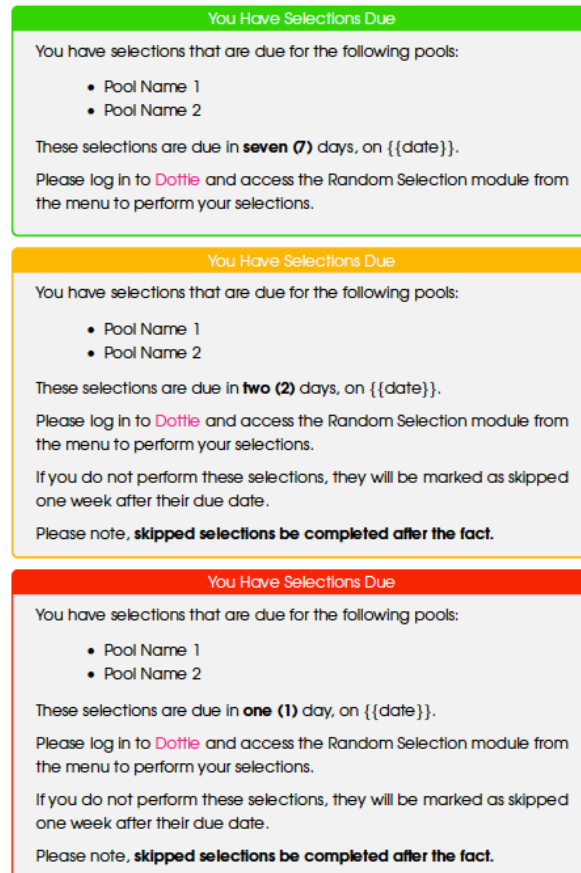


Figure 9 – Samples for Upcoming Selection Due Notification Email

SELECTION SKIPPED AUTOMATICALLY NOTIFICATION

For pools with selection due dates older than one week, the Random Selection Manager will automatically skip those selections. After updating audit log information and updating the due date for the pool, users on the client's notification list will be sent notifying them that the pool(s) were marked as skipped.

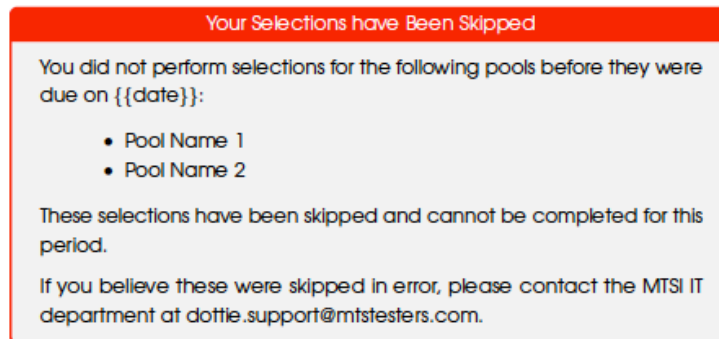


Figure 10 – Sample for Automatically Skipped Selection Notification Email

SELECTIONS NEEDING FINALIZED NOTIFICATION

After performing selections (step five of the random selection workflow), users have the option to leave the system. However, the random selection workflow is not considered complete until any required additional data mapping has been completed (step six). If a user does not finalize their selections within 24 hours, they will be sent a warning email telling them they have selections that need finalized. These notifications will continue to send every 24 hours until the selections have been finalized and collection events have been created in the Dottie system.

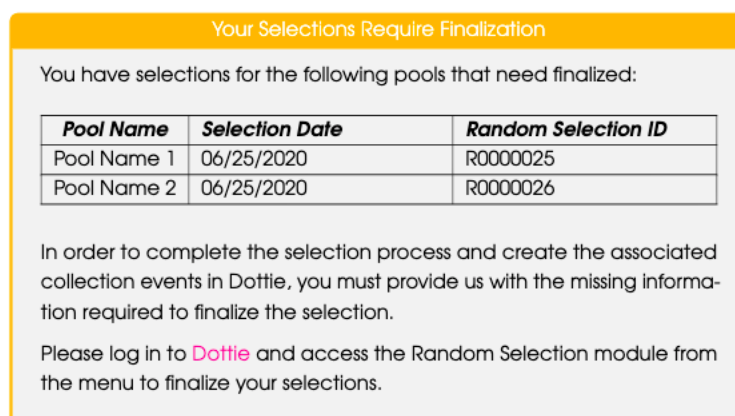


Figure 11 – Sample for Automatically Skipped Selection Notification Email

AUDIT TRAIL LOGGING

In order to ensure the system is working properly, and to show that the random selection process was not tampered with, the Random Selection Manager keeps an audit log of events related to the logging of employee pools and selections.

EMPLOYEE POOL LEVEL AUDIT LOGGING

Event	Data Stored in Log
Selection was skipped on a pool	Selection Skipped by <username>
Noting when the employee list has been updated	Employee List updated by <username>
The drug selection rate changes	Drug rate updated by <username>
The alcohol selection rate changes	Alcohol rate updated by <username>
A selection is completed on a pool	Selection Performed

EMPLOYEE LEVEL AUDIT LOGGING

Event	Data Stored in Log
Employee existed in pool already	Employee updated and Included for Selection
Employee does not currently exist in pool	Employee added to pool
Employee was previously in pool, but not in current employee list	Employee removed from pool
An employee is assigned a random number as part of the selection process	Random ID assigned to employee for selection
An employee is selected for testing	Employee selected for testing

This level of auditing should give a full history of events for each employee, as well as each pool. Audit logs will be viewable by users over a user provided date range for the selected pool or employee.

APPENDIX A: IN-DEPTH RANDOM SELECTION DESCRIPTION

The random selection algorithm in the Random Selection Manager was developed so that it was not able to be tampered with, and so each employee in a pool has an equal chance of being selected for testing.

The following sections describe in-depth the random selection process and algorithms used by the Random Selection Manager to perform selections on employee pools.

RANDOM.ORG

In order to generate a tamper-proof random number generation process that will give each employee an equal chance at being selected, the Random Selection Manager utilizes the RANDOM.ORG API process to get a set of random numbers.

RANDOM.ORG uses radio receivers to pick up atmospheric noise in the solar system, which is then used to generate random numbers. The radios are tuned between stations. A possible attack on the generator is therefore to be broadcast on the frequencies that the RANDOM.ORG radios use in order to affect the generator. However, radio frequency attacks of this type would be difficult for a variety of reasons.

First, the frequencies that the radios use are not published, so an attacker would have to broadcast across all frequencies of all bands used for FM and AM broadcasting. Second, this is not an attack that can be launched from anywhere in the world, only reasonably close to the generator. RANDOM.ORG currently has radio receivers in several different countries, which would make it difficult to coordinate this type of attack. Third, if an attacker actually did succeed at broadcasting highly regular signals (e.g., perfect sine waves) at exactly the right frequencies from the right locations, then the RANDOM.ORG real-time statistics would detect the drop in quality very rapidly. In particular, the Source Purity and Information Entropy tests would start failing dramatically, which would raise an alert.

As an example, a RANDOM.ORG radio is tuned into a frequency where nobody is broadcasting. The atmospheric noise picked up by the receiver is fed into a Sun SPARC workstation through the microphone port where it is sampled by a program as an eight-bit mono signal at a frequency of 8KHz. The upper seven bits of each sample are discarded immediately, and the remaining bits are gathered and turned into a stream of bits with a high content entropy. Skew correction is performed on the bit stream, in order to ensure that there is an approximately even distribution of 0s and 1s. The skew correction algorithm used is based on transition mapping. Bits are read two at a time, and if there is a transition between values (the bits are 01 or 10) one of them – say the first – is passed on as random. If there is no transition (the bits are 00 or 11), the bits are discarded and the next two are read.

According to RANDOM.ORG documentation, they perform random number selection over a uniform distribution, which implies that the generated number itself will be unbiased towards selection.

ASSIGNMENT OF RANDOM NUMBERS

When the random selection process is run, the Random Selection Manager will send an API request to RANDOM.ORG for a randomized sequence of numbers from 0 to the number of employees in a specific pool. The request will return a truly randomized number based on the atmospheric noise at the time of the request, as well as an associated serial number unique to the request. The numbers are assigned sequentially (as we receive them) to the employees in the pool list. The unique serial number is also stored in the system, so should the random list of number ever need to be verified, the serial number can be used to retrieve the exact list of what was returned by the random number generator.

DETERMINING EMPLOYEES FOR SELECTION

After each employee is assigned a random number, the employee list is sorted by this random number from lowest to highest. Since each person has an equal chance of receiving every number that could possibly be assigned to them, there is an equal chance that it will be one of the lowest numbers possible.

The employees that are selected will have the lowest assigned random numbers. Once the list is in order by the random number assigned, the lowest X number or lowest X percentage of employees will be marked as selected, depending on the selection rate input by the user.

Assigning the random numbers in this manner, generated randomly from atmospheric noise ensures that there is no bias in the random selection process, human or otherwise.

DETERMINING TESTING TYPES

If the alcohol and drug testing rates are equal, all employees selected will be marked as needing both an alcohol and drug test.

If the rates are bifurcated between the drug and alcohol testing, the lowest random numbers will receive the combined testing. After the proper number of combined testing is assigned, the alcohol/drug only testing is assigned to the remaining employees selected.

APPENDIX B: SAMPLE SELECTION DOCUMENTS

RANDOM SELECTION CERTIFICATION REPORT

Midlands Testing Services, Inc.		Random Selection Certification Report	
Montana Rail Link	Selection Identification #:	MTSR0000019	
Jacque Duhamer - DER	Selection Date & Time:	07/27/2020 14:25:19	
Roadway Worker Pool	Selection Performed by:	Tammy Mocabee	

This document certifies that, based on the employee pools that were submitted by Tammy Mocabee, Montana Rail Link's employees are eligible and subject to computer-generated random selections for alcohol and/or drug testing.

Furthermore, Dottie - Midlands Testing Services, Inc.'s collection management software, certifies that the selection was performed randomly with all eligible employees in this pool, with no tampering of the process in any way.

This document should be stored with other permanent drug and alcohol testing records. A copy of this document will be archived in the system for future retrieval.

Selection Rates

The following rates were used to select employees for testing from this pool:

- Select **2.50%** of the eligible pool for Drug Testing.
- Select **1.25%** of the eligible pool for Alcohol Testing.

This pool had a total number of **211** employees eligible for selection.

Out of the **211** eligible employees, the following testing was selected:

- 3** employees were selected for combined drug and alcohol testing.
- 3** employees were selected for drug testing only.
- 0** employees were selected for alcohol testing only.

The final percentage(s) of eligible employees selected are:

- 2.84%** of the eligible pool for Drug Testing.
- 1.42%** of the eligible pool for Alcohol Testing.

Selected Employees

Employee ID	Selection ID	Property	Employee Name	Testing Selected For
9106949	1927	MISU	Reginald B Kesecker	Drugs
9107073	263	LAUL	Chris E Dixon	Drugs and Alcohol
9107100	1124	SNPT	James L Reading	Drugs
9107150	373	MISU	Richard D Thompson	Drugs and Alcohol
9108080	324	SNPT	Gary Stagno	Drugs and Alcohol
9109339	1674	LAUL	Daniel R Charlebois	Drugs

Figure 12 – Example Random Selection Certification Report

ELIGIBLE POOL LIST REPORT

Midlands Testing Services, Inc.	Random Selection - Eligible Pool Report	
Montana Rail Link	Selection Identification #:	MTSR0000019
Jacque Duhamel - DER	Selection Date & Time:	07/27/2020 14:25:19
Roadway Worker Pool	Selection Performed by:	Tammy Mocabee

This document lists all employees that were included in the eligible employee pool for the selection noted above.

This employee list was imported via an Excel spreadsheet, entitled mayEmployeePool.xlsx by Tammy Mocabee.

The original uploaded file can be provided upon request by contacting Midlands Testing Service Inc's IT Department.

Eligible Employee Pool List

There were **211** eligible employees in the **Roadway Worker** Pool.

Employee ID	Selection ID	Property	Employee Name	Testing Selected For
9106949	1927	MISU	Reginald B Anderson	Drugs
9109339	1674	LAUL	Daniel R Charlebois	Not Selected
9107073	263	LAUL	Chris E Dixon	Drugs and Alcohol
9107100	1124	SNPT	James L Reading	Not Selected
9108080	324	SNPT	Gary Stagno	Not Selected
9107150	373	MISU	Richard D Thompson	Not Selected

Figure 13 – Sample Employee Pool List Report

Information in this document is considered
proprietary and confidential.

Midlands Testing Services, Inc.
Dottie Collection Management Software