



## **Belt Railway Company of Chicago Policies & Procedures**

### **POLICY No: 3**

**POLICY:** Alcohol & Drug Use

**Effective:** January 1, 1996

**Revised:** **February 9, 2026**, October 1, 2023, March 1, 2023, March 1, 2021, September 1, 2020, January 1, 2019, January 1, 2018; January 1, 2016, January 1, 2014, January 1, 2012, August 1, 2009

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## **THE BELT RAILWAY COMPANY OF CHICAGO ALCOHOL AND DRUG USE POLICY**

### **PURPOSE**

Alcohol and drug misuse can severely impact an individual's health, work performance, and personal life. Physically, it increases the risk of chronic illnesses, mental health disorders, and impaired judgment. In the workplace, substance misuse often leads to accidents and injuries, decreased productivity, absenteeism, and strained relationships with colleagues. Personally, it can cause financial problems, family conflicts, and social isolation. Common signs of a problem include frequent tardiness, unexplained absences, mood swings, declining work quality, and noticeable changes in behavior or appearance. Signs may include erratic behavior, secrecy, or withdrawal.

In compliance with the Drug-Free Workplace Act of 1988, The Belt Railway Company of Chicago (BRC) has a longstanding commitment to provide a safe, quality-oriented and productive work environment. Alcohol and drug abuse in the workplace constitute a threat to the health and safety of BRC employees, the safety of the general public, and the security of the company's equipment and facilities. For these reasons, the BRC is committed to promoting and maintaining a workplace that is free of drug and alcohol use.

The BRC is committed to a drug free workplace. As such, it has maintained a "zero-tolerance" policy since 1996, where drug and alcohol use in violation of the rules is considered unacceptable as a fundamental principle. The BRC, with one single exception in specific, limited circumstances as defined below, will terminate the employment of any employee who is shown to have violated any portion of this Drug and Alcohol Policy.

### **SCOPE**

This policy applies to all employees and prospective employees of BRC. The BRC Human Resources (HR) Department is responsible for policy administration. Edward DeVries, General Counsel and Director of HR, is designated to answer employee questions about this policy. He may be contacted at the General Office Building, 6900 S. Central Ave., Bedford Park, Illinois. Ramon Ortiz of the BRC Police Department serves as the Designated Employer Representative (DER) for the BRC and is responsible for compliance with governing federal regulations in the application of this policy to assure compliance.

Where testing is fulfilled in compliance with the BRC's Part 219 Railroad Compliance Plan, the provisions of that plan will specifically apply. The BRC also conducts random testing of management employees. Management acknowledges and agrees that BRC has the right to perform random testing at times and frequencies determined by BRC. BRC also reserves the right to conduct universal testing of management one time per year.

### **EMPLOYEE ASSISTANCE PROGRAM (EAP)**

The BRC will assist and support employees who voluntarily reach out to the BRC or its designated Employee Assistance Program ("EAP") provider to seek help for drug or alcohol problems. Such request for assistance must occur before a positive test event, in which event an employee will not be subject to termination of employment under this Policy. Such employees may be allowed to use paid time accrued off, placed on leaves of absence, and referred to treatment providers in order to establish an individual treatment plan.

Employees are required to document that they are successfully following prescribed treatment and to take and pass follow-up tests if they hold jobs that are safety-sensitive or are governed by specific federal regulations. Once a drug test has been initiated under this policy, the employee will have forfeited the opportunity to be granted a leave of absence for treatment and will be subject to termination of employment for a violation of this policy, except under one single exception as documented herein.

Employees must report to work fit for duty, and free of any measurable amount of drugs or alcohol in their blood or other bodily fluids. This policy does not prohibit employees from the lawful use and possession of prescribed medications as defined by U.S. Federal statutes and applicable U.S. Department of Transportation regulations, subject to the following procedures.

### **PRESCRIPTION MEDICATIONS**

Employees must consult with their doctors about the medications' effect on their fitness for duty and must receive confirmation from their doctor that they are able to work safely while taking any prescription medication. In addition, for prescription medications known to have a potentially adverse effect on safe performance of duties (as listed in Appendix A), employees must proactively and immediately (i.e. at the time the medication is prescribed and before they next perform service) disclose any such medications to their supervisor or BRC's Human Resources Department.

**It is the responsibility of each employee to proactively and immediately ensure that BRC Human Resources is kept up to date on Appendix A - listed prescription medications that an employee is taking at any given time.** Employees may be permitted to work in regulated or non-regulated service if, in the discretion of BRC, the employee may safely perform their job duties while taking a specific medication. BRC retains the final discretion to make decisions regarding employee fitness for duty, including relative to the use of prescription medications.

Employees are reminded that the provisions of 49 C.F.R. 219.102 prohibit use of controlled substances at any time whether on or off duty, except when used in as prescribed by a medical practitioner. The BRC applies this restriction to all employees, regardless of whether they do or do not perform regulated service as defined in the regulation. (49 C.F.R § 219.5 Definitions). **Employees who fail to immediately disclose Appendix A prescription medications to BRC Human Resources will be considered to have violated this Policy, and such violation shall be treated as a triggering event under BRC's STOP Discipline Policy.**

## **VOLUNTARY REFERRAL AND POST-TESTING SUPPORT FOR A/D POLICY VIOLATIONS**

BRC maintains two programs for employees encountering problems related to drug and alcohol usage. These include the Co-Worker and Individual Referral Program (CWRP) and the Employee Support Program (ESP).

The ESP and CWRP are available to all employees of the BRC (BRC). Applicants for employment and employees in probationary status, whether by BRC direction or collective bargaining agreement, are ineligible to participate in these programs. Applicants for employment and employees in probationary status (i.e. those who have not yet established seniority under their applicable collective bargaining agreement) will be dismissed from service in the event of a violation of this Policy.

An employee who successfully enters and follows the requirements of these programs, as outlined below, may maintain their position with the BRC as long as the employee complies with, and successfully completes all aspects of the program.

### **CO-WORKER AND INDIVIDUAL REFERRAL PROGRAM PROCEDURES (CWRP)**

If a Co-Worker (as defined in 49 CFR Part 219.5) or a family member of an employee believes that an employee is apparently unsafe to work or is, or appears to be, in violation of 49 CFR Part 219, GCOR Rule 1.5, or the BRC's Drug and Alcohol Policy, such individual may immediately contact a BRC Supervisor or the BRC's Designated Employer Representative (DER) or Assistant DER to report the situation.

The name of the co-worker or family member making the report will be kept confidential except as necessary to provide treatment.

Similarly, an employee may self-refer if they believe they are in potential violation of 49 CFR Part 219, GCOR Rule 1.5, or the BRC's Drug and Alcohol Policy. Self-referral, however, will not be accepted once an employee has been notified that they are required to submit to a drug and alcohol test by a supervisor or the BRC Police Department.

Regardless of the source of the referral, if the supervisor immediately determines there is an apparent GCOR Rule 1.5 violation, the employee will be removed from service.

In all cases, the supervisor will ensure that drug and alcohol tests have been conducted per a signs and symptoms evaluation. (The employee will be removed from service and promptly and safely transported home by BRC, or by other arranged transportation, pending the results of the drug and alcohol tests.)

### **REFERRAL TO A DRUG AND ALCOHOL COUNSELOR (DAC)**

An employee relieved from service under CWRP must contact the DAC within two (2) working days of the removal from service to make an appointment unless otherwise directed by BRC's Human Resources Department.

An employee who fails to make the appointment, or who fails to appear for the appointment, or who fails to obtain determination by the DAC, will be considered to have violated this Policy.

The DAC must schedule necessary interviews with the employee and complete an evaluation within ten (10) calendar days of the date on which the employee first contacted the DAC with a request for evaluation under the program, unless it becomes necessary to refer the employee for further evaluation.

In each case, all necessary evaluations must be completed within thirty (30) days of the date on which the employee first contacted the DAC.

### **WHEN TREATMENT IS REQUIRED**

If the DAC determines the employee is affected by psychological or chemical dependence on alcohol or a drug or by another identifiable and treatable mental or physical disorder involving abuse of alcohol or drugs as a primary manifestation, the following conditions must be met:

### **BRC RESPONSIBILITIES**

The BRC will, to the extent necessary for treatment and rehabilitation, grant the employee a leave of absence from the BRC for the period necessary to complete primary treatment and establish control over the employee's alcohol or drug problem.

A leave of absence of up to forty-five (45) days will be granted, if necessary, for the purpose of meeting initial treatment needs.

The employee will be returned to service on written recommendation of the DAC when the employee has completed the recommended treatment plan and established control over the substance abuse problem.

Following return-to-service, the employee, as a further condition of the withholding of discipline, may be required to participate in a reasonable program of follow-up treatment for a period from the date the employee was originally withdrawn from service.

The DAC will determine the steps necessary and will notify the BRC, in writing, of the components of the follow-up treatment plan.

### **EMPLOYEE RESPONSIBILITIES**

An employee wishing to participate in CWRP must agree to participate in and complete the counseling and treatment process to the satisfaction of the DAC and the BRC.

An employee will be considered to have violated this Policy when the employee:

- Refuses to cooperate in the recommended course of treatment.
- Fails to follow the requirements of the follow-up treatment plan.
- Tests positive with a follow-up drug or alcohol test.

### **WHEN TREATMENT IS NOT REQUIRED**

If the DAC determines the employee is not affected by an identifiable and treatable mental or physical disorder involving the abuse of drugs or alcohol as a primary manifestation:

- The BRC will accept the recommendation of the DAC and schedule the employee to return to service within five days of receipt of said recommendation.

## **EXCEPTION TO ZERO TOLERANCE: EMPLOYEE SUPPORT PROGRAM (ESP)**

The Employee Support Program (ESP) is designed for a specific circumstance where an employee has been tested under either federal or company authority for drugs and alcohol use and has incurred a positive test result.

The Employee Support Program (ESP) is **NOT** available to employees who test positive following a test that is performed following an incident that meets or exceeds applicable FRA reporting criteria under 49 CFR 225 *et. seq.* Employees who incur a positive test result following post-incident testing that meets or exceeds said reporting criteria will be subject to summary dismissal under BRC's "Zero Tolerance" policy towards Alcohol & Drug Use Policy violations which has been in place since 1996, and Carrier's governing STOP discipline policy.

In the event that an employee incurs a positive test result, the BRC may, at its sole discretion, offer said employee the opportunity to return to work on a one-time, last-chance basis pursuant to the applicable regulatory requirements. This offer will not affect any mandatory suspension of ability to perform covered service under governing federal regulations.

## **ELIGIBILITY TO PARTICIPATE IN THE EMPLOYEE SUPPORT PROGRAM (ESP)**

In order to become eligible for participation in the ESP, employees must attend a formal disciplinary investigation (if subject to a collective bargaining agreement) or meet with their supervisor (if a management employee) and accept full responsibility, in writing, that the employee did in fact violate BRC's Alcohol & Drug Use Policy as alleged, that the violation indicates that the employee has a problem with drug or alcohol abuse, and that the employee desires the opportunity to participate in the ESP, including the required drug or alcohol treatment program.

Employees who fully accept responsibility in the manner described in the foregoing paragraph will be dismissed from service but will be offered the opportunity to participate in the ESP and enter into an agreement which will provide for a one-time leniency reinstatement to service, subject to the terms and conditions outlined therein. As a required term and/or condition of participation in the ESP, the employee will be required to acknowledge and agree that any future violations of this Policy will be cause for immediate return to dismissed status and waiving any right to a formal disciplinary investigation under any applicable collective bargaining agreement.

An employee who qualifies to participate in the ESP will enter into a probationary period upon return to service of 60 months from date of reinstatement. During those 60 months, any failure on the part of the employee to fulfill the terms of their ESP participation will result in the employee automatically returning to dismissed status and waiving any right to a formal investigation or right to appeal his or her dismissal under the applicable CBA.

**Employees who qualify to participate in the ESP will explicitly and prospectively waive their rights to a formal investigation or appeal of their potential future return to dismissed status, which would otherwise be provided under their applicable CBA.**

Failure to comply with the requirements of the ESP or failure to complete the ESP for any reason will immediately return the employee to dismissed status, unable to continue employment with the BRC based on the provisions of BRC's historical "Zero Tolerance" Policy.

**If an employee qualifies but fails to complete required treatment as a condition of participation in the ESP following formal investigation of a positive drug or alcohol test result, BRC's "Zero Tolerance" Policy with regard to violations of GCOR 1.5 and this Policy will govern, and the employee will automatically revert to permanent dismissed status.**

ESP participants involved in any subsequent positive result occurrences after completion of ESP will be specifically ineligible to participate in ESP a second time, and will automatically revert to dismissed status as per the terms and conditions of the employee's governing ESP Leniency Reinstatement Agreement, without benefit of formal investigation or appeal processes available in the applicable CBA, which rights the employee will have previously waived as a condition of participation in the ESP.

Participation in ESP will include follow-up drug testing at times and frequencies determined by the BRC and the Substance Abuse Professional (SAP) for a minimum of one year, but not more than five years as well as a waiver of the right to participate in a formal investigation under his or her applicable CBA to determine responsibility for a subsequent positive test, as well as the right to contest or appeal any termination resulting from a subsequent positive test as per applicable CBA. Required terms and/or conditions also include employee verification of their driver's license status while in the probationary period and at BRC's discretion.

Employees participating in the program are required to reimburse the BRC for one half of all costs associated with follow-up testing incurred by the railway and administered at the direction of the SAP. If the employee either does not complete the ESP or has a subsequent positive drug and alcohol test result after completing the ESP, the employee will be immediately return to dismissed status without benefit of a formal investigation or appeal processes available in the applicable CBA, which rights the employee will have previously waived as a condition of participation in the ESP.

## **CWRP AND ESP TERMS AND CONDITIONS**

When an employee agrees to participate in either of the CWRP or ESP programs, they waive any and all claims against the BRC for any costs, damages, or other factors related to their participation in the relevant program.

**Employees who participate in the CWRP and ESP Program(s) may only utilize these resources one time during the entire course of their employment with the BRC.**

## **PROSPECTIVE EMPLOYEES**

Prospective employees who test positive for THC as part of their post-offer, pre-employment physical exam will be referred to a DAC for evaluation and recommended treatment. The prospective employee will still be provided the opportunity to begin employment with the BRC, conditioned upon strict compliance with the recommended treatment as provided by the DAC. Prospective employees who begin employment subject to the DAC's recommendations will still be permitted to participate in the ESP program in the event of a subsequent positive test, subject to the terms and conditions outlined in this Policy.

Prospective employees who test positive for alcohol, unauthorized prescription medications, or illegal drugs will have their conditional offer of employment revoked, and any prospective employment relationship will immediately terminate.

## **PREVIOUS POLICY ESP PARTICIPANT EMPLOYEES**

Current BRC employees who are participants in a version of the ESP in effect prior to the effective date of this policy (i.e. prior to December 22, 2025) shall continue to participate in the ESP subject to the terms and conditions in effect at the time they entered the ESP. Any updated terms and conditions will **NOT** apply to their continued participation in the ESP.



## **WORKPLACE RULES**

In accordance with General Code of Operating Rules (GCOR) Rule 1.5, Drugs and Alcohol, or the applicable departmental equivalent, whenever employees are working, are operating any BRC vehicle, are present on BRC property, or are conducting company-related work offsite; they are prohibited from:

- Using, possessing, buying, selling, manufacturing or dispensing an illegal drug (to include possession of drug paraphernalia).
- Being under the influence of alcohol or an illegal drug as defined in this policy.
- Possessing or consuming alcohol.

The presence of any detectable amount of any illegal drug, illegal controlled substance or alcohol in an employee's body system, while performing company business or while in a company facility, is prohibited.

BRC will also not allow employees to perform their duties while taking prescribed drugs that are adversely affecting their ability to safely and effectively perform their job duties. Employees taking a prescribed medication must carry it in a container labeled by a licensed pharmacist or be prepared to produce the container if asked. Employees are also responsible for maintaining a current copy of all prescriptions which they are presently taking with BRC's Human Resources office. Specifically, employees must proactively and immediately (at the time the medication is prescribed and before they next perform service) disclose any prescription medications they are taking to BRC's Human Resources Department.

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

Federal law prohibits railroad employees from using controlled substances at any time, whether on or off duty except when prescribed by a medical practitioner and in full compliance with 49 C.F.R. 219.102, Prohibition on Abuse of Controlled Substances.

## **REQUIRED DRUG AND ALCOHOL TESTING**

### **Pre-Employment Testing (49 C.F.R. 40.25)**

Applicants being considered for hire must pass a drug test before beginning work or receiving an offer of employment. Refusal to submit to testing will result in disqualification of further employment consideration. Where work to be done is considered safety sensitive under Department of Transportation regulations, previous employer records on previous conduct related to drug and alcohol rule compliance will be conducted as prescribed by regulation.

### **Reasonable Suspicion Testing**

Employees are subject to testing based on (but not limited to) observations by at least two members of management of apparent workplace use, possession or impairment.

The BRC Police Department must be consulted before initiating a Reasonable Suspicion drug or alcohol test. Qualified Management and Police Department personnel must use the Reasonable Suspicion Observation Manual to document specific observations and behaviors that create a reasonable suspicion that an employee is under the influence of illegal drugs or alcohol. Examples include:

- Odors (smell of alcohol, body odor or urine).
- Movements (unsteady, fidgety, dizzy).

- Eyes (dilated, constricted or watery eyes, or involuntary eye movements).
- Face (flushed, sweating, confused or blank look).
- Speech (slurred, slow, distracted mid-thought, inability to verbalize thoughts).
- Emotions (argumentative, agitated, irritable, drowsy).
- Actions (yawning, twitching).
- Inactions (sleeping, unconscious, no reaction to questions).

When reasonable suspicion testing is warranted, a manager will meet with the employee to explain the observations and the requirement to undergo a drug and alcohol test within two hours. Refusal by an employee will be treated as a positive drug test result and will be considered a violation this Policy. In addition, refusal may be considered a critical rules violation and violation of GCOR 1.6, Conduct, and discipline assessed in connection therewith.

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

#### **Reasonable Cause Testing (BRC Authority)**

When an employee is involved in an accident, incident, injury, rule violation or observed unsafe act, or may potentially have contributed to an incident based on their behavior (human factor), the BRC may require the employee to submit to a drug and alcohol test under company authority. The BRC may require all members of a work group to be tested, when it cannot be readily discerned that an individual employee's human factor behavior human factor did not play in a role in the incident at the time of the initial investigation of the occurrence. Refusal to submit to testing, when instructed by the BRC, will be considered a violation of this Policy, and may also be treated as insubordination, negligence or disregard for the interests of the BRC under the BRC rules structure.

#### **Reasonable Suspicion Testing (DOT Authority)**

When a trained supervisor has grounds to suspect an employee may be impaired, in violation of GCOR 1.5 or equivalent, the employee will be required to submit to reasonable suspicion testing under DOT authority. Where drug use is suspected, a second trained supervisor must also be involved, whether on or off property.

Employees are subject to testing based on (but not limited to) observations by at least two members of management of apparent workplace use, possession or impairment. Management must document specific observations and behaviors that create a reasonable suspicion that an employee is under the influence of illegal drugs or alcohol. Examples include:

- Odors (smell of alcohol, body odor or urine).
- Movements (unsteady, fidgety, dizzy).
- Eyes (dilated, constricted or watery eyes, or involuntary eye movements).
- Face (flushed, sweating, confused or blank look).
- Speech (slurred, slow, distracted mid-thought, inability to verbalize thoughts).



- Emotions (argumentative, agitated, irritable, drowsy).
- Actions (yawning, twitching).
- Inactions (sleeping, unconscious, no reaction to questions).

#### **Random Testing (DOT Authority)**

The BRC is responsible to assure that its random testing policy meets regulatory requirements and is approved by the FRA. BRC has two federal testing pools for the purpose of random testing:

- Hours of Service: employees engaged in performing regulated service and Yardmasters.
- Roadway Workers: employees performing service in accordance with the definition outlined in 49 C.F.R. 214.7.

Employees selected for random testing are selected by a computer program in accordance with DOT requirements.

#### **Random Testing (Company Authority)**

The BRC will perform random testing under company authority of police officers, management employees and other designated employees, in a separate random testing pool. The same testing criterion utilized in the DOT Random Testing will apply for Non-DOT Random Testing, except a company drug testing panel will be used.

#### **DOT Post Accident Testing**

Employees are subject to testing when they cause or contribute to accidents that seriously damage a BRC vehicle, machinery, equipment or property or that result in an injury to themselves or another employee requiring offsite medical attention. A circumstance that constitutes probable belief will be presumed to arise in any instance involving a work-related accident or injury in which an employee who was operating a motorized vehicle is found to be responsible for causing the accident.

DOT Post Accident Testing is required when any of the following events occur:

#### **Major Train Accident**

An incident 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: (see 49 C.F.R § 219.201)

- A fatality.
- A release of hazardous materials from railroad lading that results in an evacuation or reportable injury caused by the release of hazardous materials.
- Damage to railroad property of \$1.5 Million or more.
- An impact accident occurs with damages in excess of \$150,000.

#### **Impact Accident**

An incident involving reportable damage in excess of the current reporting threshold that results in:

- A reportable Injury

- Damage to railroad property of \$150,000 or more.

#### **Fatal Train Accident**

An incident involving any on duty railroad employee or regulated contractor employee where damages do not exceed the current reporting threshold.

#### **Passenger Train Accident**

An incident involving a reportable injury to any person in a train accident involving damage in excess of the current reporting threshold that involves a passenger train.

#### **Human Factor Highway Rail Grade Crossing Accident/Incident**

An incident where the following criterion exist:

- 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 functionality of the system, as prohibited by 49 C.F.R. § 234.105 (c) (3).
- A train crew member who was, or should have been, protecting a highway rail grade crossing due to an activation failure of a grade crossing system as outlined in 49 C.F.R. § 234.105 (c) (3), is subject to testing.
- Regulated employee who was performing, or should have been performing the duties of an equipped flagger, as outlined in 49 C.F.R. § 234.5, but failed to do so, due to an activation failure, partial activation, or false activation of a grade crossing signal system, as provided by 49 C.F.R. § 234.105(c) (1) and (2), 49 C.F.R. § 234.106 or 49 C.F.R. § 234.107 (c)(1)(i) is subject to testing.
- If there is a fatality to any regulated service employee, regardless of fault. (Fatally injured regulated employee must be tested).

#### **Post-Accident Testing Administration**

When an accident/incident meets the criterion for a Major Train Accident, all assigned crew members of all trains and on-track equipment involved must be tested.

In any of these instances, the investigation and subsequent testing must take place within three hours following the accident, if not sooner. Refusal by an employee to test will be treated as a positive drug test result and will subject the employee to potential sanction by the DOT.

Where DOT Regulations require post-accident testing, employees are required to participate in testing as determined by the DER.

### **COLLECTION AND TESTING PROCEDURES**

Employees subject to alcohol testing will be transported to a BRC designated facility and directed to provide breath specimens. Breath specimens will be tested by trained technicians using federally approved breath alcohol testing devices capable of producing printed results that identify the employee. If a regulated employee's test results in a breath alcohol concentration of 0.02 or greater, but less than 0.04, the employee will be immediately removed from safety-sensitive duties without pay for at least 8 hours or until the start of the next scheduled shift, whichever is longer, and they will not be able to work until they pass a return-to-duty alcohol test. BRC reserves the right to take any other lawful action, including taking disciplinary

action if other circumstances warrant, requiring that the employee be evaluated by an SAP, and completing any recommended education or treatment program from the SAP, before returning to duty. If an employee's breath alcohol concentration is .04 or more, a second breath specimen will be tested approximately 20 minutes later. The results of the second test will be determinative.

Applicants and employees subject to drug testing will be transported to a BRC designated testing facility and directed to provide urine specimens. Applicants and employees may provide specimens in private unless they appear to be submitting altered, adulterated or substitute specimens. When required by DOT regulations, observed testing may be performed. Collected specimens will be sent to a federally certified laboratory and tested for evidence of marijuana, cocaine, opiates, amphetamines, PCP, benzodiazepines, methadone, methaqualone and propoxyphene use. (Where indicated, specimens may be tested for other illegal drugs.) The laboratory will screen all specimens and confirm all positive screens. There must be a chain of custody from the time specimens are collected through testing and storage.

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

In the event of a Negative Dilute Result, the BRC will retest in accordance with applicable DOT regulations in both DOT and Non-DOT tests.

#### **CONSEQUENCES OF REFUSAL TO TEST**

Applicants who refuse to cooperate in a drug test or who test positive will not be hired and will not be allowed to reapply/retest in the future.

Employees who refuse to cooperate in required tests or who use, possess, buy, sell, manufacture or dispense an illegal drug in violation of this Policy will be terminated, subject to the terms and conditions of this Policy. If the employee refuses to be tested, yet the company believes he or she is impaired, under no circumstances will the employee be allowed to drive himself or herself home.

Employees who test positive, or otherwise violate this policy, will be subject to dismissal, subject to the terms and conditions of this Policy. Employees who refuse a test will be prohibited from participating in ESP.

#### **TEST RESULTS**

Employees will be paid for time spent in alcohol or drug testing. After the results of the test are received, in the event of a positive result BRC Management will attempt to notify the employee of said positive test result.

#### **CONFIDENTIALITY**

Information and records relating to positive test results, drug and alcohol dependencies, and legitimate medical explanations provided to the MRO will be kept confidential to the extent required by law and maintained in employee medical files. Such records and information shall not be disclosed among managers and supervisors without prior approval from BRC's Human Resources Department and will only be

disclosed to the extent necessary when relevant to a grievance, charge, claim or other legal proceeding initiated by or on behalf of an employee or applicant. These records may also be subject to independent DOT or BRC audit as required.

## **INSPECTIONS**

The BRC reserves the right to inspect all portions of its premises for drugs, alcohol or other contraband; affected employees may have union representation involved in this process. All employees, contract employees and visitors may be asked to cooperate in inspections of their persons, work areas and property that might conceal a drug, alcohol or other contraband. Employees who possess such contraband or refuse to cooperate in such inspections are subject to appropriate discipline, up to and including discharge.

## **CRIMES INVOLVING DRUGS**

The BRC prohibits all employees, including employees performing work under government contracts, from manufacturing, distributing, dispensing, possessing or using an illegal drug in or on BRC property or while conducting BRC business. BRC employees are also prohibited from misusing legally prescribed or over the counter (OTC) drugs. Law enforcement personnel may be notified, as appropriate, when criminal activity is suspected.

The BRC does not desire to intrude into the private lives of its employees but recognizes that employees' off-the-job involvement with drugs and alcohol may have an impact on the workplace. Therefore, the BRC reserves the right to take appropriate disciplinary action for drug use, sale or distribution while off company premises. All employees who are convicted of, plead guilty to, or are sentenced for a crime involving an illegal drug are required to report the conviction, plea or sentence to a member of BRC management or BRC's Human Resources Department within 48 hours. Failure to comply may result in a violation of DOT regulations and BRC rules.

## **AVAILABLE DRUG AND ALCOHOL COUNSELORS**

Individuals struggling with drug or alcohol abuse are encouraged to voluntarily seek assistance. Without making any referral, BRC identifies the following which it understands are DACs and offer counseling or treatment programs:

Ascension Health – Max Marshall  
134 N. La Salle St., Suite 400,  
Chicago, IL  
847-493-4700

Ascension Health – Eileen Johnson  
11824 Southwest Hwy  
Palos Heights, IL  
847-493-3650

BRC identifies these programs pursuant to 49 CFR § 219.23(d)(12). These DACs are not BRC employees and are subject to change. Additional DACs may be identified based on location, availability, insurance or personal preference.

## **DEFINITIONS**

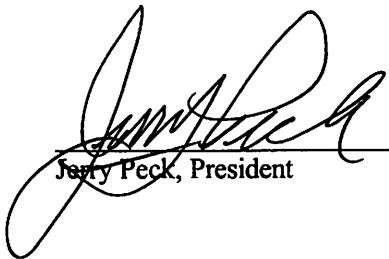
“BRC Property” includes all buildings, offices, facilities, grounds, parking lots, lockers, places and vehicles owned, leased or managed by The BRC or any site on which the company is conducting business.

“Illegal drug” means a substance whose use or possession is controlled by federal law but that is not being used or possessed under the supervision of a licensed health care professional. (Controlled substances are listed in Schedules I-V of 21 C.F.R. Part 1308.)

“Refuse to cooperate” means to obstruct the collection or testing process; to submit an altered, adulterated or substitute sample; to fail to show up for a scheduled test; to refuse to complete the requested drug testing forms; or to fail to promptly provide specimen(s) for testing when directed to do so, without a valid medical basis for the failure. Employees who leave the scene of an accident without justifiable explanation prior to submission to drug and alcohol testing will also be considered to have refused to cooperate and will automatically be subject to discharge.

“Under the influence of alcohol” means an alcohol concentration equal to or greater than .02 or actions, appearance, speech or bodily odors that reasonably cause a supervisor to conclude that an employee is impaired because of alcohol use.

“Under the influence of drugs” means a confirmed positive test result for illegal drug use per this policy. In addition, it means the misuse of legal drugs (prescription and possibly OTC) when there is not a valid prescription from a physician for the lawful use of a drug in the course of medical treatment (containers must include the patient’s name, the name of the substance, quantity/amount to be taken and the period of authorization).



Jerry Peck, President

# The Belt Railway Company of Chicago Restricted Prescription Drugs



## Policy No. 3- Alcohol and Drug Use

### Appendix A:

#### OPIOID AND SYNTHETIC OPIOID DRUGS

All drugs in this class are restricted except where noted.

##### Long Acting Opioids

Generic Name	Brand Examples
Buprenorphine.....	Buprenex, Butrans, Suboxone, Subutex
Butorphanol .....	Stadol
Fentanyl (including patches).....	Abstral, Actiq, Fentora, Duragesic, Lazanda, Onsolis, Sublimaze
Hydrocodone (extended release).....	Hysingla ER, Roxicodone, OxyIR, Zohydro
ER Hydromorphone.....	Dilaudid, Palladone
Meperidine .....	Demerol
Methadone .....	Dolophine, Methadose
Morphine .....	Astramorph, Avinza, Duramorph Infumorph, Kadian, MS Contin, MSIR, Oramorph, Roxanol
Nalbuphine.....	Nubain
Oxycodone (extended release) .....	OxyContin, Dazidox, Oxecta, Oxyfast, OxyIR, Percolone, Roxicodone, Roxicodone Intensol, Tarqiniq
Oxymorphone .....	Opana
Pentazocine .....	Talwin NX
Tapentadol.....	Nucynta
Tramadol .....	ConZip, Rybix, Ryzolt, Ultram

#### EXCEPTIONS: SHORT ACTING OPIOIDS

Cannot work until 12 hours after last dose.

Generic Name	Brand Examples
Codeine.....	Tylenol with codeine no. 3, Empirin no. 4
Dihydrocodeine.....	Panlor DC, Synalgos DC, Zerlor
Hydrocodone.....	Vicodin, Hysingla, Zohydro
Oxycodone .....	Combunox, Endocet, Endodan, Endocodone, Percocet, Percodan, Roxicet, Roxiprin, Tylox

#### BENZODIAZEPINE DRUGS

All drugs in this class are restricted.

Generic Name	Brand Examples
Alprazolam.....	Xanax
Clonazepam .....	Klonopin
Clorazepate .....	Tranxene
Diazepam .....	Valium
Lorazepam .....	Ativan
Midazolam .....	Versed
Oxazepam .....	Serax
Temazepam .....	Restoril
Triazolam .....	Halcion

#### BARBITURATE DRUGS

All drugs in this class are restricted.

Generic Name	Brand Examples
Amobarbital .....	Generic versions
Butabarbital.....	Generic versions
Butalbital.....	Esgic, Fioricet, Fiorinal,
Phrenilin Pentobarbital.....	Nembutal
Phenobarbital .....	Generic versions
Secobarbital.....	Seconal

#### MUSCLE RELAXANT DRUGS

The restricted drug is carisoprodol (brand name Soma).

#### HYPNOTIC DRUGS

The restricted drugs are eszopiclone (brand name Lunesta) and zolpidem tartrate extended release (brand name Ambien CR).

#### VARENICLINE

The restricted drug is varenicline (brand name Chantix).