

HITACHI RAIL DRUG AND ALCOHOL PROGRAM

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1. SCOPE

1.1 Purpose

Hitachi Rail (Company) is committed to protecting the safety, health, and well-being of its employees and all people who come into contact with its workplace(s) and property, and/or use its products and services. Recognizing that drug and alcohol abuse pose a direct and significant threat to this goal, the Company is committed to ensuring a substance-free working environment for all of its employees.

This instruction also ensures compliance with the Department of Transportation (DOT) 49 CFR Part 655, as amended, 49 CFR Part 219, as amended, and 49 CFR Part 40, as amended.

1.2 Applicability

This document applies to all US based employees of Hitachi Rail related companies, and which are regulated by either the FRA or FTA (firms hereinafter called "Company").

1.3 Effectiveness

This document is applicable as soon as it is published.

2. ACRONYMS, ABBREVIATIONS & DEFINITIONS

Acronyms and Abbreviations

BAC	Blood Alcohol Content
CFR	Code of Federal Regulations
DAC	Drug and Alcohol Counselor
DOT	Department of Transportation
EAP	Employee Assistance Program
FRA	Federal Railway Administration
FTA	Federal Transit Administration
JV	Joint Venture
MRO	Medical Review Officer
SAP	Substance Abuse Professional
STS	Hitachi Rail STS
USCG	United States Coast Guard

Definitions

FTA-Covered Employee: An applicant or transferee who performs or will perform a “safety-sensitive function” as defined in Part 655, section 655.4. An employee is a covered employee if:

- Operating a revenue service vehicle, in or out of revenue service
- Operating a non-revenue vehicle requiring a commercial driver’s license
- Controlling movement or dispatch of a revenue service vehicle
- Maintaining (including repairs, overhaul and rebuilding) of a revenue service vehicle or equipment used in revenue service
- Carrying a firearm for security purposes

See Annex 1 for a list of FTA-Covered positions covered by this instruction.

FRA-Regulated Employee: An applicant or employee who is performing covered service under the Federal Hours of Service Laws law and/or performing Maintenance-of-Way duties covered by the definition of “Roadway Worker,” as defined in Part 214, including but limited to employees who have a potential to foul the track, and perform a regulated function such as inspection, construction, maintenance or repair of railroad track, bridges, roadway, signal and communication systems, electric tractions systems, roadway facilities or roadway maintenance machinery on or near track, flagmen, and watchmen/lookouts.

See Annex 1 for a list of FRA-Regulated positions.

Note that employees can be both an FTA-Covered Employee and an FRA-Regulated Employee at the same time, depending upon their title and the type of project they are working on. Collectively, FTA-Covered Employees and FRA-Regulated Employees are referred to as “**Covered Employees.**”

Negative Dilute: A urine specimen that has a creatinine of less than 20 g/dl but greater than 2 g/dl and a specific gravity of 1.0200 or less. There are two circumstances that may cause a dilute specimen. The first

would be caused by an individual diluting the urine with water, or other liquid, by actually pouring it into the specimen at the time of collection.

The second method of obtaining a dilute specimen is by consuming too many liquids, especially liquids that contain diuretics, prior to collection (i.e. coffee, soda, medications). This may be inadvertent or may be on purpose on the part of the donor.

Non-Covered Employee: Non-covered employees are defined as employees of the Company who are neither FTA-Covered Employees nor FRA-Regulated Employees.

Reasonable Suspicion: Evidence or reasonable cause to suspect an employee of drug use. Evidence is based upon direct observation, either by a supervisor or another employee. Specific reasons for reasonable suspicion testing include physical evidence of illicit substances, patterns of erratic or abnormal behavior, disorientation or confusion and an inability to complete routine tasks.

3. GENERAL FEATURES

3.1 Non-IMS Reference Documents

This instruction complies with Parts 655, 219, and 40, which are available in COSMO on the Hitachi Rail US intranet and can be found on the internet at the Federal Transit Administration (FTA) [Drug and Alcohol Program](#) website and at the Federal Railway Administration (FRA) [Drug and Alcohol Program](#) website.

3.2 Applicable Tools

None.

4. DESCRIPTION

4.1 Covered Employees

Portions of this instruction are not FTA/FRA-mandated but reflect Hitachi Rail's instruction. These additional provisions are identified by bold text.

All covered employees are required to submit to drug and alcohol tests as a condition of employment in accordance with 49 CFR Part 655 and/or 49 CFR Part 219. **Non-covered employees may be required to submit to drug and alcohol testing, subject to federal, state, and local law.**

In addition, DOT has published 49 CFR Part 29, implementing the Drug-Free Workplace Act of 1988, which requires the establishment of drug-free workplace policies and the reporting of certain drug-related offenses to the FTA and FRA. **All employees of the Company are subject to the provisions of the Drug-Free Workplace Act of 1998.**

The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the covered workplace. An employee who is convicted of any criminal drug statute for a violation occurring in the workplace shall notify Human Resources Department in Pittsburgh, PA no later than five days after such conviction.

4.2 Prohibited Behavior

Use of illegal drugs is prohibited at all times for all covered **and non-covered employees**. All covered and **non-covered** employees are prohibited from reporting for duty or remaining on duty any time there is a quantifiable presence of a prohibited drug in the body above the minimum thresholds defined in Part 40. Prohibited drugs include, **but are not limited to**:

- marijuana
- cocaine
- phencyclidine
- opioids
- amphetamines

All covered employees and non-covered employees are prohibited from performing work functions while having an alcohol concentration of 0.02 or greater.

All covered employees are prohibited from consuming alcohol while performing safety-sensitive job functions or while on-call to perform safety-sensitive job functions. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. If the on-call employee claims the ability to perform his or her safety-sensitive function, he or she must take an alcohol test prior to performance.

All covered employees are prohibited from consuming alcohol within four (4) hours prior to the performance of safety-sensitive job functions.

All covered employees are prohibited from consuming alcohol for eight (8) hours following involvement in an accident or until he or she submits to the post-accident drug and alcohol test, whichever occurs first.

4.3 Consequences for Violations

Following a positive drug or alcohol (BAC at or above 0.02) test result or test refusal, the employee will be immediately removed from duty **and subject to discipline, up to and including termination**.

4.4 Circumstances for Testing

4.4.1 Pre-Employment Testing

A negative pre-employment drug test result is required before an employee can first perform an FTA-Covered or FRA-Regulated function. If a pre-employment test is cancelled, the individual will be required to undergo another test and successfully pass with a verified negative result before performing safety-sensitive functions. **A negative pre-employment drug test is required before a non-covered employee can perform work duties.**

If a covered employee has not performed a safety-sensitive function for 90 consecutive calendar days, and has not been in the random testing pool during that time, the employee must take and pass a return to duty test before he or she can return to a safety-sensitive function.

4.4.2 Reasonable Suspicion Testing

All covered **and non-covered employees** shall be subject to a drug and/or alcohol test when the Company has reasonable suspicion to believe that the employee has used a prohibited drug and/or engaged in alcohol misuse. A reasonable suspicion referral for testing will be made by a trained supervisor or other

trained company official on the basis of specific, contemporaneous, and articulable observations concerning the appearance, behavior, speech, or body odors of the employee.

Covered and **non-covered employees** may be subject to reasonable suspicion drug testing any time while on duty. Covered employees may be subject to reasonable suspicion alcohol testing while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions.

Supervisory employees must be educated and trained on alcohol misuse and controlled substance use. This 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 post-accident situations.

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. 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. At least one qualified supervisor must be on site.

Documentation of decisions related to reasonable suspicion testing must be maintained in accordance with applicable law. Notification of said incident to Human Resources must be done immediately.

4.4.3 Reasonable Cause Testing

The Company may conduct reasonable cause drug and/or alcohol tests when an FRA-regulated employee was involved in a qualifying train accident or incident and a supervisor has reasonable belief based on specific and articulable facts that the FRA-regulated employee's acts or omissions contributed to the occurrence or severity of the accident or incident. FRA-regulated employees may also be subject to reasonable cause testing if they commit rule violations as described in section 219.403(b), including:

- Noncompliance with a train order, track warrant, track bulletin, track permit, stop and flag order, timetable, signal indication, special instruction or other directive with respect to movement of railroad on-track equipment that involves -
 - Occupancy of a block or other segment of track to which entry was not authorized;
 - Failure to clear a track to permit opposing or following movements to pass;
 - Moving across a railroad crossing at grade without authorization;
 - Passing an absolute restrictive signal or passing a restrictive signal without stopping (if required); or
 - Failure to take appropriate action, resulting in the enforcement of a positive train control system.
- Failure to protect on-track equipment, including leaving on-track equipment fouling an adjacent track;
- Operation of a train or other speedometer-equipped on-track equipment at a speed that exceeds the maximum authorized speed by at least 10 miles per hour or by 50% of such maximum authorized speed, whichever is less;
- Alignment of a switch in violation of a railroad rule, failure to align a switch as required for movement, operation of a switch under on-track equipment, or unauthorized running through a switch;

- Failure to restore and secure a main track switch as required;
- Failure to apply brakes or stop short of a derail as required;
- Failure to secure a hand brake or failure to secure sufficient hand brakes, as required;
- Entering a crossover before both switches are lined for movement or restoring either switch to normal position before the crossover movement is completed;
- Failure to provide point protection by visually determining that the track is clear and giving the signals or instructions necessary to control the movement of on-track equipment when engaged in a shoving or pushing movement;
- In the case of a person performing a dispatching function or block operator function, issuance of a mandatory directive or establishment of a route that fails to provide proper protection for on-track equipment;
- Interference with the normal functioning of any grade crossing signal system or any signal or train control device without first taking measures to provide for the safety of highway traffic or train operations which depend on the normal functioning of such a device. Such interference includes, but is not limited to, failure to provide alternative methods of maintaining safety for highway traffic or train operations while testing or performing work on the devices or on track and other railroad systems or structures which may affect the integrity of the system;
- Failure to perform stop-and-flag duties necessary as a result of a malfunction of a grade crossing signal system;
- Failure of a machine operator that results in a collision between a roadway maintenance machine and on-track equipment or a regulated employee;
- Failure of a roadway worker-in-charge to notify all affected employees when releasing working limits;
- Failure of a flagman or watchman/lookout to notify employees of an approaching train or other on-track equipment;
- Failure to ascertain that provision was made for on-track safety before fouling a track;
- Improper use of individual train detection in a manual interlocking or control point;
- Failure to apply three point protection (fully apply the locomotive and train brakes, center the reverser, and place the generator field switch in the off position) that results in a reportable injury to a regulated employee;
- Failure to display blue signals in accordance with 49 C.F.R. § 218.25 through § 218.30;
- Failure to perform a required brake test, or having knowledge that a required brake test was not performed, pursuant to the Class I, Class IA, Class II, or Class III, or transfer train brake test provisions of part 232, or the running brake test provisions of part 238, of this chapter;
- Failure to comply with prohibitions against tampering with locomotive mounted safety devices, or permitting a train to be operated with an unauthorized disabled safety device in the controlling locomotive; or
- Failure to have a derailing device in proper position and locked if required in accordance with 49 C.F.R. § 218.109.

4.4.4 Post-Accident Testing for FTA-Covered Employees

FTA-Covered employees shall be subject to post-accident drug and alcohol testing under the following circumstances:

Fatal Accidents.

As soon as practicable following an accident involving the loss of a human life, drug and alcohol tests will be conducted on each surviving covered employee operating the public transportation vehicle at the time of the accident. In addition, any other covered employee whose performance could have contributed to the accident, as determined by STS using the best information available at the time of the decision, will be tested.

Non-fatal Accidents.

As soon as practicable following an accident not involving the loss of a human life, drug and alcohol tests will be conducted on each FTA-covered employee operating the public transportation vehicle at the time of the accident if at least one of the following conditions is met:

- (i) The accident results in injuries requiring immediate medical treatment away from the scene, and the FTA-covered employee may have contributed to the accident
- (ii) One or more vehicles incurs disabling damage and must be towed away from the scene, and the FTA-covered employee may have contributed to the accident

In addition, any other FTA-covered employee whose performance could have contributed to the accident, as determined by STS using the best information available at the time of the decision, will be tested.

An FTA-covered employee subject to post-accident testing must remain readily available, or it is considered a refusal to test. Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident or to prohibit an FTA-covered employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

4.4.5 Post-Accident Testing for FRA-Regulated Employees

Regulated employees under the FRA shall be subject to post-accident drug and alcohol under the following circumstances. In some circumstances, FRA-Regulated Employees may be required to provide blood and urine specimens for toxicological testing by the FRA after an accident, even if they were not on duty during the accident. In the event of a fatality, tissue samples are also collected, in addition to urine and blood samples. FRA-Regulated Employees may also be required to undergo toxicological testing for more than the drug categories listed in Section 4.2. Specimens must be collected within four (4) hours of the qualifying accident or incident.

Major Train Accidents.

Any train accident (i.e., a rail equipment accident involving damage in excess of the current reporting threshold) that involves one or more of the following: a fatality to any person; a release of hazardous material lading from railroad equipment accompanied by an evacuation or a reportable injury resulting from the hazardous material release; or damage to railroad property of \$1,500,000 or more.

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. Any other FRA-Regulated employees that had a possible role in the cause or severity of the accident will be tested as well.

Impact Accidents.

Any impact accident (e.g., a head-on or rear-end collision, a derailment, a switching collision, or any other impact accident defined in § 219.5) that involves damage in excess of the current reporting threshold, resulting in a reportable injury; or damage to railroad property of \$150,000 or more.

Fatal Train Incident.

Any train incident that involves a fatality to an on-duty employee who dies within 12 hours of the incident as a result of the operation of on-track equipment, regardless of whether that employee was performing regulated service. After a fatal train incident, the fatally injured employee cannot be excluded from being tested.

Passenger Train Accident.

Any train accident (i.e., a rail equipment accident involving damage in excess of the current reporting threshold) involving a passenger train and a reportable injury to any person.

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

A highway-rail grade crossing accident/incident when it involves:

- (i) An FRA-Regulated employee who interfered with the normal functioning of a grade crossing signal system, in testing or otherwise, without first taking measures to provide for the safety of highway traffic that depends on the normal functioning of such system;
- (ii) A train crewmember who was, or who should have been, flagging highway traffic to stop due to an activation failure of the grade crossing system;
- (iii) A regulated employee who was performing, or should have been performing, the duties of an appropriately equipped flagger due to an activation failure, partial activation, or false activation of the grade crossing signal system,
- (iv) A fatality to any FRA-Regulated employee performing duties for the railroad, regardless of fault; or
- (v) An FRA-regulated employee who violated an FRA regulation or railroad operating rule and whose actions may have played a role in the cause or severity of the accident/incident.

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

For Impact Accidents, Fatal Train Incidents, Passenger Train Accidents, or Human-Factor Highway-Rail Grade Crossing Accidents/Incidents, any FRA-Regulated employees who may have had a possible role in the cause or severity of the accident will be tested. STS will exclude other FRA-Regulated employees if the responding railroad representative can immediately determine, on the basis of specific information, that the employee had no role in the cause or severity of the accident/incident.

Supervisors of FRA-Regulated employees will receive at least one hour of post-accident training.

Nothing in this policy prevents an FRA-Regulated employee who is required to be post-accident toxicological tested from performing, in the immediate aftermath of an accident or incident, any duties that may be necessary for the preservation of life or property. Where practical, however, STS must utilize other employees to perform such duties.

The current Monetary Reporting Threshold can be found here: <https://railroads.dot.gov/safety-data/forms-guides-publications/guides/monetary-threshold-notice>. This threshold is subject to change each fiscal year.

4.4.6 Random Testing

Covered employees are subject to random drug testing. Random drug and alcohol tests are unannounced and unpredictable, and the dates for administering random tests are spread reasonably throughout the calendar year. Random testing will be conducted at all times of the day when safety-sensitive functions are performed. The Company maintains a random testing compliance plan that has been approved by the FRA.

Testing rates will meet or exceed the minimum annual percentage rate set each year by the FTA and FRA administrators. The current year testing rates can be found at <https://www.transportation.gov/odapc/random-testing-rates>.

The selection of employees for random drug and alcohol testing will be made by a scientifically valid method, such as a random number table or a computer-based random number generator. Under the selection process used, each covered employee will have an equal chance of being tested each time selections are made.

A covered employee will only be randomly tested for alcohol misuse while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions. A covered employee may be randomly tested for prohibited drug use anytime while on duty. STS considers covered employees on-duty while they perform safety-sensitive functions and while they are on-call. The on-call status and schedule is determined by their Manager.

Each covered employee who is notified of selection for random drug or random alcohol testing must immediately proceed to the designated testing site.

Random testing may occur anytime an employee is on duty so long as the employee is notified prior to the end of the shift. Employees who provide advance, verifiable notice of scheduled medical or childcare commitments will be random drug tested no later than three (3) hours before the end of their shift and random alcohol tested no later than 30 minutes before the end of their shift. Verifiable documentation of a previously scheduled medical or childcare commitment, for the period immediately following an employee's shift, must be provided at least four (4) hours before the end of the shift.

Random testing for non-covered employees will be conducted only when authorized by applicable state law.

4.5 Testing Procedures

All FTA and FRA drug and alcohol testing will be conducted in accordance with 49 CFR Part 40, as amended. All covered employees are required to promptly comply with any drug and/or alcohol test required under this policy.

As required by law, the Company has a Designated Employer Representative (DER), who is authorized to take immediate action to remove employees from safety-sensitive positions when necessary. The current DER is Carina Gonzalez. The assistant DER is Catherine Perry. Each site may also have a designated DER with authority to remove employees from safety-sensitive positions when necessary. Finally, site HSE staff may also remove employees from safety-sensitive positions when necessary.

Refusal to submit to a drug and/or alcohol test required under the FRA or FTA rules, engaging in any conduct that jeopardizes the integrity of the specimen or the reliability of the test result, or any

other violations of the prohibited conduct described in this policy will subject the employee to disciplinary action, up to and including termination, independent and regardless of any test result.

Transportation to Testing Site

When an employee is notified that they are required to be tested under this policy, they must proceed to the testing site immediately. The Company will make every effort to provide transportation to the testing site. A supervisory or management employee should monitor the employee to be tested after he or she has been notified that he or she must be tested. Whenever possible, a supervisory employee will escort the employee immediately to the collection location. In those instances where an escort is not possible, employees will be responsible for providing their own transportation to the collection site. Under no circumstances should an employee who is being tested based on reasonable suspicion of intoxication transport him or herself to the collection site.

Confidentiality

Test results are kept confidential unless the employee provides their written consent. In some scenarios, test information may be released without the employee's consent, such as legal proceedings, grievances, or administrating proceedings brought on by the employee which resulted from a positive, adulterated, or substituted test result or refusal. The Company may also be required, with the employee's written consent, to provide your drug and alcohol testing records to future employers.

Dilute Urine Specimen

If there is a negative dilute test result, the Company will accept the test result and there will be no retest, unless the creatinine concentration of a negative dilute specimen was greater than or equal to 2 mg/dL, but less than or equal to 5 mg/dL.

Dilute negative results with a creatinine level greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL require an immediate recollection under direct observation (see 49 CFR Part 40, section 40.67).

Split Specimen Test

In the event of a verified positive test result, or a verified adulterated or substituted result, the employee can request that the split specimen be tested at a second laboratory. The Company guarantees that the split specimen test will be conducted in a timely fashion. The Company will pay for the test.

Positive Result

If an employee's specimen is identified as positive, adulterated, or substituted, they will have the opportunity to speak directly with a Medical Review Officer (MRO). During the interview, the employee will have an opportunity to provide information and/or medical documentation to explain or support why their specimen was positive, adulterated, or substituted. Based on the information the employee provides, the MRO will "verify" the result by determining whether or not there is a legitimate medical reason for the test result. The MRO will report the employee's result to the Company only after making this determination.

In the event of a positive result, the employee must be immediately removed from FTA-covered or FRA-regulated service. However, prior to the employee's removal from service, the Company will provide notice of the reason for the action. If the employee denies that the test result is valid evidence of prohibited behavior, the employee may demand, and will be provided, an opportunity for a prompt post-suspension hearing. The hearing will still be provided even if the employee has been terminated.

Clock Letter

A "Clock Letter" will be sent to the DER from the MRO in the instance that a candidate for employment or employee tests positive for drugs. This letter indicates that the MRO has attempted to contact the above unsuccessfully. The MRO is requesting that the employer contact the above within a specific time frame (typically 24-72 hours) and document all attempts. The form must be completed and sent back to the MRO to prove the employer completed this. If the candidate or employee does not contact the MRO or does not have sufficient evidence to prove the drug was prescribed, then the drug result will turn positive. If the candidate or employee can provide evidence that the positive result was due to an acceptable prescription the result will turn Negative. If the drug test remains positive after either the MRO contacts the candidate/employee or the clock letter has expired, then the candidate's employment must be rescinded officially or termination of employment must occur.

The candidate or employee can submit supporting documentation to the MRO after the rescinded offer letter or termination have occurred, however, it will not reverse the negative employment action since the above did not provide the supporting documentation in the time frame indicated in the clock letter.

4.6 Test Refusals

As a covered employee, you have refused to test if you:

- (1) Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by STS.
- (2) Fail to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test.
- (3) Fail to attempt to provide a breath or urine specimen. An employee who does not provide a urine or breath specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.
- (4) In the case of a directly observed or monitored urine drug collection, fail to permit monitoring or observation of your provision of a specimen.
- (5) Fail to provide a sufficient quantity of urine or breath without a valid medical explanation.
- (6) Fail or decline to take a second test as directed by the collector or STS for drug testing.
- (7) Fail to undergo a medical evaluation as required by the MRO or STS's Designated Employer Representative
- (8) Fail to cooperate with any part of the testing process.
- (9) Fail to follow an observer's instructions to raise and lower clothing and turn around during a directly observed test.
- (10) Possess or wear a prosthetic or other device used to tamper with the collection process.
- (11) Admit to the adulteration or substitution of a specimen to the collector or MRO.
- (12) Refuse to sign the certification at Step 2 of the Alcohol Testing Form (FOR 407).
- (13) Fail to remain readily available following an accident.

As a covered employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.

As a covered employee, if you refuse to take a drug and/or alcohol test, you incur the same consequences as testing positive and will be **immediately terminated from employment (Section 4.3)**.

Non-covered employees will be deemed to have refused a drug and/or alcohol test if they fail to appear for any required test, fail to remain at the testing site until testing is complete, fail to provide a valid specimen without a medical explanation, tamper with the collection process or results in any way, adulterate or substitute a specimen, or otherwise fail to complete the mandatory drug or alcohol testing process.

4.7 Voluntary Self-Referral and Co-worker Referral

The Company offers a confidential Employee Assistance Program (EAP) to employees who may be struggling with drug and alcohol abuse problems. Employees may contact Com Psych Guidance Resources EAP at 877-492-6276 for a voluntary self-referral.

Any employee who has a drug and/or alcohol abuse problem and has not been selected for reasonable suspicion, reasonable cause, random or post-accident testing or has not refused a drug or alcohol test may voluntarily refer her or himself to the Human Resources Department in Pittsburgh, PA or their local human resources contact, who will refer the individual to a substance abuse provider (SAP) for evaluation and treatment. A covered employee may also be referred to a substance abuse provider authorized to treat covered employees under the Department of Transportation regulations by Human Resources if the employee is unsafe to work with or has violated a drug or alcohol rule.

The SAP will evaluate the employee and make a specific recommendation regarding the appropriate treatment. Employees are encouraged to voluntarily seek professional substance abuse assistance before any substance use or dependence affects job performance.

If the Company determines that the employee is in violation of a rule, the employee will be removed immediately from service. If the employee chooses to accept the referral, they must elect to waive an investigation on the rule violation charge and must contact the SAP within two days. The employee must cooperate with the SAP in the recommended course of counseling or treatment. If the employee rejects the referral, they may be subject to reasonable suspicion testing **and discipline for any rule violations, up to and including termination.**

STS will treat the referral and subsequent counseling and treatment as confidential, unless the employee refuses to cooperate in a recommended course of treatment and/or the employee is later determined to have been involved in an alcohol or drug-related disciplinary offenses growing out of subsequent conduct.

To the extent necessary to complete treatment and rehabilitation, the Company will grant a minimum unpaid leave of absence that the SAP recommends in order to complete a primary education, counseling, or treatment program and to establish control over the employee's drug and alcohol abuse problem. **Employees who take leave to seek treatment or counseling for a drug or alcohol abuse problem must apply for a leave of absence from the company** The employee may not perform any regulated service until the SAP reports that safety is no longer affected. The employee will only be returned to service upon recommendation of the substance abuse professional and upon completion of a return-to-service medical examination. The SAP will determine the appropriate number and frequency of required follow-up testing, and the Company will determine the dates of that testing.

This policy does not apply to an employee who has previously been assisted under a program that is substantially consistent with this policy or who has previously elected to waive an investigation after a co-worker report. While referrals are generally, confidential, confidentiality may be waived if the employee refuses to cooperate with the SAP's recommended course of counseling or treatment, and/or if the

employee is later determined, after investigation, to have been involved in an alcohol or drug related disciplinary offense growing out of subsequent conduct.

4.8 Prescription Drug Use

The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to Human Resources Department Pittsburgh, PA. Medical advice should be sought, as appropriate, while taking such medication and before performing safety-sensitive duties.

Medical marijuana is still an illegal drug under federal law. Authorized use of medical marijuana is still a violation under FRA and FTA regulations for covered employees and regulated employees.

For questions about the Company's anti-drug and alcohol misuse program, contact the Company's Human Resources Department in Pittsburgh, PA.

5. PREVIOUS EMPLOYER CHECKS

The Company is required to check on the drug and alcohol testing record of covered employees. After obtaining a covered employee's written consent, the Company will request information from DOT-regulated employers who have employed the covered employee during any period during the two years before the date of the employee's application or transfer to an FRA-Covered or FRA-Regulated position. The Company will not employ anybody refusing to sign a consent form in a safety-sensitive position.

6. RECORDS

The table hereafter provides the list of records relating to this Instruction.

Description	Identification	Person in charge	Storage and Protection	Retention Period
Alcohol Testing Form (FOR 407)	Employee name	Local HR	Employee folder	5 years
Records of alcohol tests resulting in a concentration of .02 or greater	Employee name	Local HR	Employee folder	5 years
Records of verified positive drug test results	Employee name	Local HR	Employee folder	5 years
Annual MIS report	Employee name	DER	Site Folder	5 years
SAP reports	Employee name	DER	Employee folder	5 years
Follow-up tests and schedules for follow-up tests	Employee name	Local HR	Employee folder	5 years
Information obtained from previous employers related to	Employee name	Local HR	Employee folder	3 years

drug and alcohol test results of employees				
Records of inspection, maintenance, and calibration of EBT's	Employee name	Local HR	Employee folder	2 years
Records related to alcohol and drug collection process (e.g. random selection, reasonable suspicion determinations, post-accident determinations, medical evaluations, and training records)	Policy Name	DER	Drug & Alcohol Folder	2 years
Records of negative and cancelled drug tests and alcohol tests with a concentration of less than 02 and employee dispute records	Employee name	Local HR	Employee folder	2 years

7. ANNEX

Annex 1: List of FTA-Covered Positions and FRA-Regulated Positions

Hitachi Rail STS Drug and Alcohol Instruction List of FTA-Covered Positions by Title:

The titles listed below are FTA-covered titles. STS reserves the right to change and update this list as necessary.

Associate Automation Commissioning Engineer	Relay Test Technician
Associate Signalling Commissioning Engineer	Rolling Stock & Depot Manager
Associate Tester	Rolling Stock Engineer
Associate Tester Technician	Rolling Stock Supervisor
Associate Train Operator	Rolling Stock Technician
Associate Vehicle Maintenance Engineer	Senior Automation Commissioning Engineer
ATC & Comms System Engineer	Senior Depot Equipment Tech
ATC & Systems Manager	Senior OCC Manager
ATC Tech	Senior Quality Assurance Engineer
Automation Commissioning Engineer	Senior Quality Inspector
Commissioning Test Technician	Senior Signalling Commissioning Engineer
Comms SCADA Tech	Senior Station Operator
Control Center Maintenance Engineer	Senior TPSS Tech
Depot Equipment Tech	Signalling Commissioning Engineer
Information Controller	Signalling Test & Commissioning Engineer
Lead ATC Tech	Station Operator
Lead Maintenance Depot Tech	Test Development Engineer
Lead Rolling Stock Tech	Test Manager
Lead TPSS Tech	Tester
Lead Track Repairman	Tester Calibrator
Maintenance of Way Manager	Testing & Commissioning Train Operator
Maintenance Vehicle Technician	Testing Technician
Mechanical Installer (Commissioning)	TPSS Electric & Service Building Engineer
OCC Controller	TPSS Technician
OCC Manager	Track Inspector
OCC Supervisor	Track Repairman
Project Quality Engineer	Traction Power Systems Manager
PSG Technician	Train & Station Supervisor
Quality Assurance Engineer	Train & Station Manager
Quality Assurance Manager	Traffic Control Officer
Quality Control Engineer	Train Operator
Quality Control Inspector	Wayside Signalling Commissioning Engineer
Quality Surveyor	Wayside Signalling Test & Commissioning Engineer
Quantity Surveyor	Work Package Leader

Hitachi Rail STS Drug and Alcohol Instruction List of FRA-Regulated Positions by Title:

The titles listed below are FRA-Regulated when working on a project covered by the FRA. STS reserves the right to change and update this list as necessary.

Associate Automation Commissioning Engineer	Quality Control Inspector
Associate Automation Test Engineer	Quality Inspector
Associate Commissioning Manager	Quantity Surveyor
Associate Construction Specialist	Rolling Stock System Integrator
Associate Installation Engineer	Senior Automation Testing & Commissioning Engineer
Associate Signalling Commissioning Engineer	Senior Automation Testing Engineer
Associate Tester	Senior Commissioning Manager
Associate Tester Technician	Senior Construction Manager
ATC PTC Maintenance Tech	Senior HSE Advisor
ATC Tech	Senior Installation Engineer
Automation Commissioning Engineer	Senior Quality Inspector
Automation Test and Commissioning	Senior Security Engineer
Automation Test Engineer	Senior Signalling Design Engineer
Civil Work Engineer	Senior Signalling Commissioning Engineer
Comm Quality Control Inspector	Senior Signalling Commissioning Engineer Manager
Commissioning Manager	Senior Signalling Commissioning Manager
Construction Engineer	Senior Signalling V&V Engineer
Construction Manager	Senior System Engineer
Control Center Maintenance Engineer	Senior System Engineer Onboard
Electrical Assembler/Commissioning	Senior Tester
Engineering Technician	Service Engineer
Field Application Engineer	Signalling Engineer
Field Service Engineer	Signalling Engineer Onboard
Hardware Engineer	Signalling V&V Engineer
HSE Advisor	Signalling Commissioning Engineer
HSE Area Manager	Signalling Commissioning Manager
Installation Engineer	Signalling Engineer
Manager Hardware Design	Signalling Engineer Onboard
Manufacturing Engineer	Signalling Engineering Technician
Mechanical Assembler	Signalling System Engineer
Mechanical Engineer	Site Supervisor
Mechanical Installer Production	Software Development Engineering Professional
Principal Commissioning Manager	System Engineer
Principal Power Supply & Traction Power Engineer	System Engineering
Principal Verification & Validation Engineer	Telecoms Deployment Engineer
Production Team Leader	Test Development Engineer
Project HSE Advisor	Test Manager
Project Quality Engineer	Tester
PTC Tech	Tester Calibrator
Quality Assurance Engineer	Tester Technician
Quality Assurance Manager	Testing Technician
Quality Control Engineer	Train & Station Manager
	Work Package Leader