



Random Drug and Alcohol Testing Plan For Hours of Service Employees, Version 1.2

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Random Drug and Alcohol Testing Plan

1. INTRODUCTION

- a. Union Pacific Railroad (Union Pacific) is an operating subsidiary of Union Pacific Corporation. It is the largest railroad in North America, operating in the western two-thirds of the United States. The railroad serves 23 states, linking every major West Coast and Gulf Coast port and provides service to the east through its four major gateways in Chicago, St. Louis, Memphis and New Orleans. Additionally, Union Pacific operates key north/south corridors and is the only railroad to serve all six gateways to Mexico. UP also interchanges traffic with the Canadian rail systems. Although Union Pacific Railroad's primary role is transporting freight, it also runs a substantial commuter train operation in Chicago. UPRR has about 47,000 employees. About 23,000 of them are covered by the Hours of Service Act (HOSA).
- b. The Railroad's operating territory is divided into nineteen field "Service Units," each headed by a Superintendent who reports to a Regional Vice President who reports to the Executive Vice-President Operations. Also reporting to the Executive Vice-President Operations is the Vice President-Safety and Chief Safety Officer, who is responsible for management of railroad operating rules and testing programs, including random drug and alcohol testing. Day-to-day administration of Union Pacific's random drug and alcohol testing plan is the responsibility of the Senior Manager Drug and Alcohol Testing.
- c. The designated employer representative is: Penny Lyons, Senior Manager Drug and Alcohol Testing, 1400 Douglas Stop 1020, Omaha, NE 68179 (402) 544-4600.
- d. To ensure that each HOS employee has a "substantially equal chance of being selected" for testing, complying with 49 CFR Part 219.601(b)(1), the system wide monthly testing quotas will be broken down into random selection pools maintained for:
 - i. Through Freight and Locals; TE&Y on each service unit
 - ii. Yard Jobs; TE&Y on each service unit
 - iii. Commuter Operations
 - iv. Ozol Yard Masters, Bridge Tenders and Tower Operators
 - v. Train Dispatchers
 - vi. Incidental Hours of Service workers
 - vii. Engineering Department Signal workers

NOTE: This introductory description of UPRR's railroad system, including states of operation, numbers of employees, number of service units and managers is given as background. These details are not material to the random testing plan, and they are subject to change without regard to the 30-day notification requirement in 49CFR Part 219.601(a).

2. SELECTION STRATEGY FOR TE&Y

- a. Union Pacific has developed the Random Drug Test System (RDTS), a custom computer program, to select Hours of Service employees for random drug and alcohol testing. The RDTS uses a continuously updated database of actual train operations (by Service Unit) and monitors the locations and dates where
 - i.
 - 1) A through freight or local train engineer has an origination point, and
 - 2) A yard conductor has an origination point
 - ii. Minimum monthly random test goals for hours of service employees are set by the Drug and Alcohol Testing group, based on the FRA Administrator's determination of random drug testing rate.
 - iii. Union Pacific will select all FRA random pools at the same percentage for testing. In addition, Union

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- Pacific will make reasonable effort to ensure that all pools are tested as close to the same percentage as possible.
- iv. The selection and testing process is monitored continuously by the Drug and Alcohol Testing group to ensure that Union Pacific is progressing toward its goal. The testing rate will be monitored and adjusted monthly by the DAT group to ensure goals are met. Additionally, Union Pacific may change the percentage of overall testing rates for HOS employees when it deems necessary to increase the deterrence effect of the Random Plan.
 - v. Under our Random Drug and Alcohol Testing Plan, each employee has a "substantially equal chance of being selected" in conformance with 49 CFR §219.601(b)(l).

3. SELECTION PROCEDURE FOR TE&Y

Thru Freight and Local Train Testing

- a. The first 30 days of the previous calendar month will be designated as the "history period." During the history period, information will be obtained from FRA approved hours of service records in operation history tables. The database contains records for where and when a Locomotive Engineer was placed on duty for a local or through freight train. The on duty circ 7, date, and time will be recorded. Generally, each date, time, and location combination will appear in the database as often as it occurred in the history period. Information from the "history database" will then be used to predict train operations for the next calendar month. The "prediction" of train operations then is used as the pool for random testing windows.

For example, May generated randoms are ran in April on the 23rd, the history period used for this generation is March 1st through the 30th. If an engineer originated at a location eight times during the history period, then that location and time would be entered eight times into the database for the next calendar month.

- b. Using a standard database function, Union Pacific will conduct a monthly random selection from the selection pool where enough locations will be selected to meet the months testing goals as designated by the DER for through freight and local train crews. This selection will be stored in PDF format and maintained for at least 24 months.
- c. To avoid even the appearance of subjectivity, the RDTs will next assign testing dates for each testing location (circ 7).
- d. For through freight and local trains, the RDTs will assign a collection ID number, and test window start time.
- e. The data files from this monthly RDTs computer procedure will be saved by Union Pacific in PDF and stored in the imaging system. The backup files will be kept for at least 24 months from the date of sample collection. They will be made available upon reasonable notice to FRA Operating Practices Inspectors during normal business hours, as required by 49 CFR Part 219.601(b)(2) and 219.607.

Yard Job Testing:

- a. The first 30 days of the previous calendar month will be designated as the "history period." During the history period, information will be obtained from FRA approved hours of service records in operation history tables. The database contains records for what symbol and day of the week the Conductor was placed on duty for a yard job. The train symbol for the yard job and day of the week will be recorded. Generally, each day and symbol combination will appear in the database as often as it occurred in the history period.

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Information from the “history database” will then be used to predict train yard operations for the next calendar month. The “prediction” of train operations then is used as the pool for random testing windows.

For example, May generated randoms are ran in April on the 23rd, the history period used for this generation is March 1st through the 30th. If a conductor is placed on duty on a given symbol and given day of the week, then that symbol and day will be entered into the pool for each occurrence.

- b. Using a standard database function, Union Pacific will conduct a monthly random selection from the selection pool where enough symbols and days will be selected to meet the months testing goals as designated by the DER. This selection will be stored in a table and PDF format and maintained for at least 24 months.
- c. To avoid even the appearance of subjectivity, the random generator will next assign testing dates for each test event based on the train symbol and day of week.
- d. In the event that the same yard job and date combination are selected more than once, the system would only recognize one selection.
- e. All crew members of a yard job will be tested the first available date of selection, not to exceed 72 hours. The operational manager will vary testing times to reflect, beginning, middle and end of shift.
- f. For yard jobs, the RDTs will assign a collection ID number, and test date start time.
- g. The data files from this monthly RDTs computer procedure will be saved by the Railroad in PDF format and stored in the imaging system. The backup files will be kept for at least 24 months from the date of sample collection. They will be made available upon reasonable notice to FRA Operating Practices Inspectors during normal business hours, as required by 49 CFR Part 219.601(b)(2) and 219.607.

4. SELECTION FOR COMMUTER OPERATIONS EMPLOYEES

- a. The first 30 days of the previous calendar month will be designated as the “history period.” During the history period, information will be obtained from FRA approved hours of service records in operation history tables. The database contains records for what crew ID’s were on duty and the day of the week they performed service. The crew ID for the commuter shift and day of the week will be recorded. Generally, each day and crew ID combination will appear in the database as often as it occurred in the history period. Information from the “history database” will then be used to predict commuter operations for the next calendar month. The “prediction” of commuter operations then is used as the pool for random testing generation.

For example, May generated randoms are ran in April on the 23rd, the history period used for this generation is March 1st through the 30th. If a crew ID is worked on a given day of the week, then that crew ID and day will be entered into the pool for each occurrence.

- b. Using a standard database function, Union Pacific will conduct a monthly random selection from the selection pool, choosing crew ID’s and days for testing to meet the months testing goals as designated by the DER. This selection will be stored in a table and PDF format and maintained for at least 24 months.
- c. To avoid even the appearance of subjectivity, the random generator will next assign testing dates for each test event based on the crew ID and day of the week.

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- d. In the event that the same crew ID and date combination are selected more than once, the system would only recognize one selection.
- e. All crew members of a crew ID will be tested the first available date of selection, not to exceed 72 hours. The operational manager will vary testing times to reflect, beginning, middle and end of shift.

5. SELECTION FOR BRIDGE TENDERS, OZOL YM (HOS), AND TOWER OPERATORS

- a. Pools of employees subject to testing are identified monthly, based on current operations. A new pool is created each month. Using a standard database function, Union Pacific will select the employees to be tested during the month.
- b. RDTS will select employees by employee identification number.

6. SELECTION FOR TRAIN DISPATCHERS

- a. Pools of employees subject to testing are identified monthly, based on current operations. A new pool is created each month. Using a standard database function, Union Pacific will select the employees to be tested during the month.
- b. RDTS will select employees by employee identification number.

7. SIGNAL DEPARTMENT POOL

- a. Pools of employees subject to testing are identified monthly, based on current operations. A new pool is created each month. Using a standard database function, Union Pacific will select the employees to be tested during the month.
- b. RDTS will select employees by employee identification number.

8. INCIDENTAL HOURS OF SERVICE POOL (IHOS):

- a. Employees that perform incidental hours of service self report their activity, which is directly fed into the IHOS pool. These entries remain in the pool for 90 days. Pools of employees subject to testing are identified monthly, based on current hours of service reporting a new pool is created each month. Using a standard database function, Union Pacific will select the employees to be tested during the month.
- b. The RDTS will select employees by employee identification number.

9. GENERAL RANDOM TESTING GUIDELINES

- a. To conform with 49 CFR Part 219.601(b)(4), neither the administration manager nor a field manager may notify anyone who does not have a need to know, that a circ 7, a train symbol, a crew ID or individual has been selected for random testing. Any violation of this

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- directive will subject the perpetrator to disciplinary action by the Executive Vice President of Safety & Chief Safety Officer.
- b. Any employee who is subject to FRA Random Testing under this Plan, and who also qualifies for random testing under another program such as FMCSA, will be tested under the DOT agency rules regulating more than 50% of the employee's function.

10. TE&Y TESTING GUIDELINES

- a. Thru Freight
 - i. The drug and alcohol group will notify the service unit administrator to prepare for the random test when the test location, date, and window start time have been selected by the RDTS.
 - ii. Based on the test window start time, the manager will prepare to test within a four hour "test window."
 - iii. Prior to the window opening:
 1. The manager will identify the first two qualifying inbound trains and the first qualifying outbound train to be tested.
 - a. If no trains qualify in the 4-hour window, the manager will document the reason the test is not performed.
 - b. Crews that have a terminal arrival time (TAT) defined as when the train passes the yard limits, within the 4-hour window and with 90 minutes or more remaining on their hours of service will be considered qualifying.
 - c. Crews that are deadheaded into a terminal will not be tested if they do not operate a train in route.
 - d. Crews to be tested on outbound freight trains will be tested for alcohol only at the on-duty site.
 - e. Crews on outbound deadheads will be tested as if they are on a train, due to the likelihood of a deadhead crew being placed on a train in route.
 2. At the end of the testing, the manager will complete or approve the "Manager's Confidential Affidavit" and provide it to the collector. See Appendix A. The collector will send a copy of the affidavit and chains of custody to the field administrator and to the Drug and Alcohol Testing Group.
 3. Under the above rules, neither the Drug and Alcohol Testing group nor a service unit manager will have discretion in planning the days of the week or dates of the month on which TE&Y testing will occur. Thus, conformance is ensured with the requirements of 49 CFR Part 219.601(b)(1) that no employee is selected as the result of the exercise of discretion by Union Pacific
- b. Crews working on selected yard jobs, or under a commuter crew ID will be tested on the date selected by the RDTS at various times during their shift
 - 1) Tests must not be cancelled or deferred for reasons of operating efficiency. The Plan calls for commuter and yard crews to be tested on the First Day selected. It is not the plan to do the test "within a 72-hour window."

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- 2) The second day window will open for testing only if the test cannot be completed for valid reasons on the first day. The third day will open only if the test cannot be completed for valid reasons on the second day.
- 3) Tests must not be cancelled or deferred unless the crew's time is completely expired. If a crew's time under the HOS is limited the alcohol tests will be completed first followed by as many drug tests as possible.
- 4) If the crew is not tested on the third day, the test will be cancelled.
- 5) Field managers will document why a yard job or commuter train was not tested on the first, second, and/or third day. At the end of the testing, the manager will complete or approve the "Manager's Confidential Affidavit" and provide it to the collector. See Appendix A. The collector will send a copy of the affidavit and chains of custody to the field administrator and to the Drug and Alcohol Testing Group.
- 6) Under the above rules, neither the Drug and Alcohol Testing group nor a service unit manager will have discretion in planning the days of the week or dates of the month on which TE&Y testing will occur. Thus, conformance is ensured with the requirements of 49 CFR Part 219.601(b)(1) that no employee is selected as the result of the exercise of discretion by Union Pacific

11. OTHER EMPLOYEE TESTING GUIDELINES

- a. Mechanical Department employees, Signal Department employees, Bridge Tenders and Tower Operators (BTTO), HOS YM and Dispatchers who are selected by employee ID for random testing will be tested during the month in which they are selected by the RDTS.
- b. The manager will vary testing times between beginning, middle and end of shift.

12. TEST ADMINISTRATION RECORDS

- a. RDTS selected dates for testing cannot be changed. If a test is not completed within the directed time frame the field manager, administration manager, or designee will record the reason the test was not completed in RDTS and for through freight, local, and yard on the manager's confidential affidavit.

These precautions will further ensure that no subjective factors play a role in the selection process, according to 49 CFR Part 219.601(B)(2). These records will be retained in PDF form by the Drug and Alcohol Testing office for at least 24 months from the date of sample collection and will be made available upon reasonable notice to FRA Operating Practices Inspectors during normal business hours, in conformance with 49 CFR Parts 219.601(b)(2) and 219.607.

13. COLLECTOR NOTIFICATION

- a. At an appropriate time before the date selected for testing, the administration or field manager for each testing location will confidentially contact the contract collection company ("Contractor").
- b. The Contractor will assign a collector to be at the test location to collect samples from employees

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according to DOT's "Procedures for Transportation Workplace Drug Testing Programs."

14. EMPLOYEE NOTIFICATION

- a. On the day of a test, a field manager at that location will personally notify the crew to be tested and will ensure that they are escorted by a manager or a collector to the test site. The manager may notify the crew by phone or radio only if they are escorted by the collector at the time they are notified.
- b. If railroad operations prevent the manager from making the notifications, the manager may designate an intermediary to notify the employees to be tested. A "designated intermediary" would generally be a Union Pacific employee, but may be the contract collector if conditions require.

The employees will be notified while they are on duty, working on the train, job, or position selected, as appropriate, that they must report to an assigned place. This notification must occur as close to, if not immediately before the testing begins. Advance notification is not acceptable.

- c. Random testing is conducted on Union Pacific property at or near the work location by contract collectors.
- d. Once the employee is at the assigned place, they will be notified that they (or their job) have been selected for random drug and/or alcohol testing according to FRA's random testing regulations. If the radio is used, the instruction will simply be to report to an assigned individual at an assigned place with an acknowledgement required. Random drug and alcohol testing will not be mentioned. This will conform with 49 CFR Part 219.601(b)(4) and (6). Radio notification will be used only when absolutely necessary.
- e. Once the employee has been notified of the random test, they will remain supervised by a field manager or will be entrusted to an onsite collector for sample collections.
- f. The collector will advise each employee during the collection process that the Federal "Urine Custody and Control Form" and/or the DOT "Breath Alcohol Testing Form" indicate that the employee is providing a sample for random testing. Fulfillment of this instruction at the time of testing will satisfy the requirement of 49 CFR Part 219.601(b)(7) and 219.607(b)(7).
- g. Employees notified of their selection for testing must submit to testing upon instructions from the manager, collector, or designee. The only exceptions are a bona fide medical or family emergency. To excuse the employee from testing for a medical or family emergency, Union Pacific must be persuaded through proper documentation that the "emergency" is truly serious (e.g., a life threatening condition or a death in the family).
 - i. Whenever an employee is excused from testing based on one of these exceptions the reason and the documentation will be reviewed by the DER office to determine if the excuse meets Federal criterion for not completing a random test. Documentation will be made available upon reasonable notice to FRA Operating Practices Inspectors during normal business hours.
 - ii. Reasons for not testing will be documented for review by FRA. The employees will not be recalled for testing later based on this selection, however, under the plan generally, they will be subject to testing later if their job is selected for testing on another date. Once an employee has been notified of a scheduled test they are no longer eligible for a self-referral, a co-worker referral, or an Operation RedBlock mark-off.

15. PROCEDURES AND SAFEGUARDS

- a. Collection, laboratory analysis, review, and reporting of results will be handled according to appropriate

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sections of 49 CFR Part 40 and 49 CFR, Part 219. Union Pacific will ensure that:

- i. Only the substances described in 49 CFR Part 40.85 will be included in the random testing panel.
 - ii. Specimens or tests will be used only for determining whether the employee has violated 49 CFR Part 219.101 or 219.102 or any applicable railroad rule and will not be used for any other tests.
 - iii. Standard forms as described in 49 CFR Parts 40.45 and 40.225 are used to document custody and control of the test sample.
 - iv. Drug and alcohol testing will be conducted according to procedures described in 49 CFR Part 40.
- b. Employees will be notified of drug and/or alcohol test results according to procedures set out at 49 CFR Part 40 and 49 CFR Part 219.
 - c. The laboratory selected for analysis is DHHS certified according to 49 CFR Part 40.81: Clinical Reference Laboratory, 8433 Quivira Road, Lenexa, KS 66215.
 - d. The Medical Review Officer is Benjamin Gerson, MD, University Services, 2837 Southampton Rd, Philadelphia, PA 19154.
 - e. The Employee Assistance Program is managed by Mark Jones, Director Employee Assistance & Support Services, 1400 Douglas, Stop 710, Omaha, NE 68179.
 - f. A system-wide registry of qualified Substance Abuse Professionals is constantly updated by the Employee Assistance Program Director.

16. FURTHER COMPLIANCE

- a. In addition to the particular regulatory requirements discussed above, Union Pacific's Random Drug and Random Alcohol Testing programs will comply with all aspects of those regulations that have not otherwise been discussed, except where a waiver has been granted separately by the DOT.

17. APPENDICES

- a. Sample Manager's Confidential Affidavit
- b. Sample Manager's Confidential Affidavit