
August 25, 2014

BNSF Railway Co.

ALL DIVISIONS

SYSTEM GENERAL NOTICE No. XX

SUBJECT: Updated Policy on the Use of Alcohol and Drugs, Effective date September 1, 2014

Explanation:

An updated version of the Policy on the Use of Alcohol and Drugs takes effect September 1, 2014. The policy was last updated in 2009. The main additions and changes to the updated policy include:

- Simplified format and language
- Addition of recent regulatory changes regarding certification of conductors
- Clarification on prescription medication use and the definition of “drugs”
- Language that affirms BNSF’s prohibition against marijuana use, consistent with federal DOT regulations that pre-empt recent state legalization efforts (such as in Colorado and Washington)

The complete Policy on the Use of Alcohol and Drugs can be located on the intranet on the Policies, Corporate Rules and Procedures webpage. FAQs about the policy have been updated and can be accessed on the Medical homepage under “Drug and Alcohol.” The following include BNSF’s Statement of Principles, which is unchanged, and a summary of three key additions to the updated policy.

Policy on the Use of Alcohol and Drugs, Effective date September 1, 2014

Statement of Principles

BNSF Railway is committed to protecting the safety, health and well-being of all employees in our workplace. BNSF Railway has established an alcohol and drug-free workplace program that balances our respect for individuals with the need to maintain a safe work environment. This Policy defines how BNSF Railway identifies and corrects Alcohol and Drug use in the workplace.

Conductor Certification Regulations

Since 2012, when the FRA implemented certification for conductors, rules have been added regarding certification. The provisions mirror what the FRA has been requiring of locomotive engineers. Some of these rules address alcohol and drug use, including the following:

- 1) return-to-work is prohibited for a conductor who has an active substance abuse problem,
- 2) return-to-work guidelines after a co-worker report are outlined,

- 3) a 9-month decertification period is required after a failed breath-alcohol test of 0.04% or greater,
- 4) a required decertification period is specified after multiple violations for using controlled substances, and
- 5) employee must receive written notification if certification is suspended after an alcohol violation.

Clarification on Prescription Medication and the Definition of “Drugs”

Abuse of prescription medications has increased rapidly in the U.S., along with addiction rates. To help employees know when a prescription medication is legal to use, the updated policy describes the factors that the Medical Review Officer uses in determining whether a medication (discovered on a drug test) was used legally or not. This policy clarifies that prescription medication must be from a legal, valid prescription prescribed for the employee. The medication must be taken according to the directions as ordered by the medical provider, and the prescription must be less than 12 months old. In addition, the definition of “drugs” was updated for clarification to “Any substance (other than Alcohol) that has known mind- or function-altering effects on a person, specifically including any psychoactive substance and including, but not limited to, Controlled Substances.”

State Legalization of Marijuana

The revised Policy addresses recent marijuana legalization efforts (such as in Colorado and Washington) by affirming BNSF’s prohibition against marijuana use. This policy remains consistent with DOT regulations. To re-emphasize, BNSF Railway’s Use of Alcohol and Drugs Policy continues to prohibit an employee from reporting for duty or remaining on duty or on BNSF property with any detectable amount of marijuana in his or her body. Likewise, the use or possession of marijuana or marijuana paraphernalia is prohibited on BNSF Railway property and in BNSF Railway work equipment and vehicles.