

Exhibit Book
Corporate Governance Committee Meeting
7/22/2020

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EXHIBIT BOOK

POLICIES FOR BOARD APPROVAL PURSUANT TO PUBLIC AUTHORITIES LAW

Corporate Governance Committee Meeting
07/22/2020

All Agency Policy Directive

WHISTLEBLOWER PROTECTION

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I. PURPOSE

To encourage and enable the reporting by MTA employees of wrongful acts, protect MTA employees from retaliation for whistleblowing and ensure that the MTA complies with applicable law protecting whistleblowers.

II. SCOPE

This policy directive applies to all officers and employees of the MTA including MTA Headquarters (including the Business Service Center); MTA Long Island Rail Road; MTA ~~Capital~~ Construction and Development Company; MTA Bridges and Tunnels; MTA Bus Company; ~~MTA Long Island Bus~~; MTA Metro-North Railroad; MTA New York City Transit, including the Manhattan and Bronx Surface Transportation Operating Authority and the Staten Island Rapid Transit Operating Authority; and, any future subsidiary or affiliated entity of the Metropolitan Transportation Authority.

III. DEFINITIONS

For purposes of this policy, the following terms shall have the meaning stated below:

Adverse Action means to fire, discharge, discipline, demote, suspend, threaten, harass, or discriminate against an MTA Employee and includes, but is not limited to, an action that adversely affects an MTA Employee's compensation, appointment, promotion, transfer, assignment, reassignment, reinstatement, or evaluation of performance.

MTA Agency means any of the following: MTA Headquarters (including the Business Service Center); MTA Long Island Rail Road; MTA Capital Construction Company; MTA Bridges and Tunnels; MTA Bus Company; MTA Long Island Bus; MTA Metro-North Railroad; MTA New York City Transit, including the Manhattan and Bronx Surface Transportation Operating Authority and the Staten Island Rapid Transit Operating Authority; and, any future subsidiary or affiliated entity of the Metropolitan Transportation Authority.

MTA Codes of Ethics mean the All-Agency Code of Ethics, the MTA Board Member Code of Ethics, and the Vendor Code of Ethics.

MTA Employee means any officer or employee of an MTA Agency and includes, but is not limited to, full-time and part-time employees, those employees on probation, temporary employees including persons hired on a seasonal, per diem, or part time basis.

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Whistleblower means an MTA Employee who pursuant to statute or the All-Agency Code of Ethics reports a Wrongful Act or an MTA Employee who discloses information concerning a Wrongful Act, insofar as the actions taken by the MTA Employee are legal.

Wrongful Act means an act by any MTA Employee or MTA Board member, or by a person doing business with an MTA Agency, of alleged fraud, corruption, criminal or unethical activity or violating the MTA Codes of Ethics or a law or regulation applicable to an MTA Agency and shall include an act of wrongdoing, misconduct, malfeasance or other inappropriate behavior, concerning any MTA Agency's investments, travel, acquisition of real or personal property, disposition of real or personal property, or procurements of goods or services.

IV. POLICY

A. Reporting of Wrongful Acts.

MTA Employees are encouraged to report any Wrongful Act. Such a report may be made through a number of mechanisms including, but not limited to:

- Direct contact with:
 - the MTA Chief Compliance Officer;
 - the MTA Inspector General;
 - their Agency's Ethics Officer; or
 - any other internal complaint office designated by their Agency President.
- A Report to the Hotline maintained by the MTA Chief Compliance Officer: 888-U-ASK-MTA (888-827-5682). Such a report may be made anonymously.
- A report to the New York State Authorities Budget Office.

The identity of the whistleblower and the substance of his or her report shall be kept confidential to the extent possible.

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Reports by an MTA Employee of a Wrongful Act involving corruption, fraud or criminal activity should be made to the [MTA Inspector General](#):

[Office of the Inspector General](#)
 Metropolitan Transportation Authority
 One Penn Plaza, 11th Floor
 Suite 1110
 New York, New York 10119
 800-MTA-IG4U (800-682-4448)

An MTA Employee should also feel free to discuss concerns about a Wrongful Act with their supervisor, but no supervisor may discourage an MTA Employee from making a report of a Wrongful Act.

B. Investigation of Reported Wrongful Acts

1. Alleged Wrongful Acts that have been reported by MTA Employees to the MTA Chief Compliance Officer, to an Agency's Ethics Officer, or to such other internal complaint office designated by an Agency President shall be promptly investigated by the applicable MTA Agency or, in the case of reports involving alleged corruption, fraud or criminal activity, shall be referred to the MTA Inspector General for investigation.

2. No MTA Employee alleged to have been involved in a Wrongful Act shall supervise or conduct the investigation of such Wrongful Act. Each MTA Employee must cooperate fully and honestly with such investigations of alleged Wrongful Acts.

3. The findings of an investigation undertaken by an MTA Agency pursuant to this policy shall be provided to the President of the applicable MTA Agency or his or her designee, or in the case of MTA Headquarters to the Chairman/Chief Executive Officer or his or her designee (unless a President is the subject of the investigation, in which case the finding shall be discussed directly with the Chairman/Chief Executive Officer), for review and determination of what further action should be taken.

C. No Retaliation for Whistleblowing; Investigation of Adverse Action

1. No MTA Employee shall take any Adverse Action against another MTA Employee because of such MTA Employee's lawful disclosure or reporting of information concerning a Wrongful Act or because of such MTA Employee's role as a Whistleblower. An MTA Employee is prohibited from interfering with another

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MTA Employee's disclosure of a wrongful act. Violations of this policy are subject to disciplinary action up to and including termination from employment.

2. An MTA Employee who has reason to believe he or she has been the target of an Adverse Action in violation of Section IV.C.1 of this policy directive, or who has reason to believe that an Adverse Action has been taken against another MTA Employee in violation of Section IV.C.1 of this policy directive, shall immediately report such suspected Adverse Action to the MTA Chief Compliance Officer or such other person as may be designated by an MTA Agency President for the receipt of such a report, and an investigation thereof shall be promptly undertaken.

3. All allegations of Adverse Actions in violation of Section IV.C.1 shall be investigated in the same manner as set forth above for investigation of claims of Wrongful Acts. Each MTA Employee must cooperate fully and honestly with such investigations of alleged Adverse Actions. An MTA Employee alleged to have been involved in an Adverse Action shall not supervise or conduct the investigation of such Adverse Action.

D. False Allegations

No MTA Employee may knowingly and willfully make a false report of a Wrongful Act or of an Adverse Action. Any MTA Employee who knowingly and willfully makes a false report of a Wrongful Act or of an Adverse Action is subject to disciplinary action up to and including termination of employment.

E. No Impairment of Rights

Nothing in this policy is intended to limit, diminish or impair the rights of any MTA Employee under any provision of law or regulation.

V. POLICY LIFECYCLE

This Policy Directive will be reviewed annually and revised as necessary. As with all MTA policies, this policy does MTA reserves the right to modify or rescind this policy at its sole discretion at any time.

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MTA Corporate Compliance Form 11-000-1

Alcohol and Substance Abuse

MED-005

I. PURPOSE

The MTA Long Island Rail Road (LIRR) is committed to an alcohol and drug free workplace. This Corporate Policy and Procedure (Policy) is in furtherance of that commitment.

This Policy notifies employees of the conduct that is prohibited by the LIRR and that the consequences of engaging in prohibited conduct or other violations of this Policy include discipline, up to and including dismissal.

This Policy explains the LIRR's drug and alcohol testing program under:

- 49 CFR Part 219, which applies to employees designated by the Federal Railroad Administration (FRA) as performing Regulated Service;
- 49 CFR Part 382, which applies to employees performing commercial driving functions for the LIRR as covered by the Federal Motor Carrier Safety Administration (FMCSA); and
- LIRR authority, which applies to all LIRR employees.

This Policy describes the LIRR resources available to employees in need of treatment for drug and/or alcohol problems and encourages them to voluntarily seek such treatment before jeopardizing their safety, the safety of others, and their continued LIRR employment.

II. SCOPE

This Policy applies to all LIRR employees. Compliance is a condition of accepting and continuing LIRR employment.

Nothing in this Policy prohibits the LIRR from taking disciplinary action, up to and including dismissal, with or without conducting drug and/or alcohol testing, when there is a violation of this Policy or a reasonable suspicion of a violation of this Policy.

III. DEFINITIONS

A. Substances

1. **Alcohol** - The intoxicating agent in beverage alcohol, ethanol, or other low molecular weight alcohols including methyl or isopropyl alcohol.
2. **Controlled Substances** - All substances listed in Schedules I to V as set forth in 21 C.F.R. 802 Parts 1301-1316, or as the Schedules may be revised from time to time by publication in the Federal Register. Controlled Substances include Narcotics/Opiates, Depressants, Stimulants, Hallucinogens, and Cannabis.
3. **Drug** - Any substance other than alcohol that has known mind or function-altering effects on humans; specifically, including any psychoactive substance, including but not limited to, controlled substances.
4. **Intoxicant** - Any agent that produces intoxication, including but not limited to a drug or toxic substance or alcoholic beverages.

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5. **Over-the-Counter (OTC) Medications** - Medications that do not require a prescription, that can be purchased from pharmacies or other retail establishments.
6. **Prescription Drugs** - Medications prescribed by a licensed medical practitioner for a specific course of treatment.

B. Employee Classifications**1. Regulated Service Employees - 49 CFR Part 219:**

- a. **Covered Service Employees** - Employees who perform service subject to the Hours of Service Act (49 U.S.C. § 20101, *et seq.*) (Covered Service), both represented and non-represented. This category includes the following:
 - i. Engine Service Employees: Locomotive Engineer, Locomotive Engineer Trainee, Road Foreman; Training Specialist – Engine Service;
 - ii. Train Service Employees: Assistant Conductor, Conductor, Collector, Special Duty Assistant Conductor, Special Duty Conductor, Transportation Manager, Assistant Trainmaster, Transportation Rules and Air Brake Examiner, Training Specialist – Train Service;
 - iii. Dispatch Employees: Assistant to Chief Train Dispatcher, Assistant Train Director, Assistant to Train Director, Block Operator, Block Operator Trainee, Chief Train Dispatcher, Customer Communications Coordinator, Information Coordinator, Lead Train Director, PSCC Console Operator, Train Director, Train Dispatcher;
 - iv. Signal Employees: Signal Helper, Assistant Signalman – Signal, Signal Inspector, Signal Maintainer, Signal Specialist, Signal Technician, Signalman, Signalman-in-Training, Assistant Foreman – Signal, Foreman – Signal, Foreman – Signal Specialist;
 - v. M/E (Other) Employees – Electrician – ASC, Electrician – Car Mover, Electrician – Road Car.
- b. **Maintenance of Way/Roadway Work Protection Employees (MOW/RWP Employees)** - Employees whose duties include inspection, construction, maintenance or repair of railroad track, bridges, roadway, signal and communication systems, electric traction systems, roadway facilities or roadway maintenance machinery on or near track or with the potential of fouling a track, and flagmen and watchmen/lookouts as defined 49 CFR 214.7.

Attachment A to this Policy is a list of titles designated, or that may be designated, as performing MOW/RWP duties. This list is subject to change at any time without notice.

- c. **When an Employee is Designated as Performing Regulated Service** - An employee is designated as performing Regulated Service (subject to drug/alcohol testing under federal authority) if he/she is likely to perform Covered Service or MOW/RWP duties at least four (4) times annually or an average of once per quarter.



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~~An employee may be designated as performing De Minimis Regulated Service (subject to drug/alcohol testing under federal authority) if he/she performs Covered Service or MOW/RWP duties at least once but fewer than four (4) times annually.~~

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2. Commercial Motor Vehicle Drivers (Commercial Drivers) - 49 CFR Part 382

Employees who perform service for the LIRR requiring a commercial driver's license (CDL) issued by a state authorizing operation of a commercial motor vehicle:

- a. Weighing 26,001 or more pounds; or
- b. That has a gross combination weight of 26,001 or more pounds, inclusive of a towed unit with a gross weight rating more than 10,000 pounds; or
- c. Carrying sixteen (16) or more passengers; or
- d. Transporting placardable hazardous material.

3. Safety Sensitive Employees

Though Regulated Service Employees are designated as safety sensitive under 49 CFR Part 219 and Commercial Drivers are designated as safety sensitive under 49 CFR Part 382, for the purposes of this Policy, the Safety Sensitive Employee classification refers to those employees whose job titles/duties LIRR has designated as safety sensitive under LIRR authority, but does not include Regulated Service Employees or Commercial Motor Vehicle Drivers, who are classified separately (see 1. and 2. above).

4. Non-Safety-Sensitive Employees - Employees whose job titles/and or duties do not fall within the Employee Classifications in Section III.B.1, 2, or 3 of this Policy.**C. Other**

- 1. Medical Review Officer (MRO)** - A licensed physician designated by the LIRR who is qualified per 49 CFR 40.121 and is responsible for receiving and reviewing laboratory results generated by the LIRR's drug testing program and evaluating medical explanations for certain drug test results.
- 2. Substance Abuse Professional (SAP)** - A licensed physician or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor, with the credentials required under 49 CFR 40.281 with knowledge of and clinical experience in the diagnosis and treatment of alcohol and drug-related disorders. For the purposes of this Policy, an LIRR Employee Assistance Professional (EAP) is the SAP, who also performs the functions of a Drug and Alcohol Counselor (DAC) under 49 CFR 219, Subpart K, and 49 CFR 240 and 242.7.
- 3. Supervisor** - Any employee who is responsible for supervising or monitoring the conduct or performance of one (1) or more employees.
- 4. Co-Worker** - Another employee, including a representative of the employee's collective bargaining unit.
- 5. Accident/Incident** - An event or occurrence related to a LIRR operation that is required to be reported, including: fatality, injury, or illness; collision, derailment, and/or similar events involving the operation of on-track equipment that resulted in monetary damage in excess of the current reporting threshold; and impact between rail on-track equipment and highway users at crossings.

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6. **“Identifying the Troubled Employee”** - A training course given by the LIRR and required for all Supervisors, per the LIRR’s Management Education Core Curriculum Program (EDUC-001), which provides instruction on the requirements of FRA regulations, Federal Motor Carrier Safety Administration (FMCSA) regulations, and LIRR policies and rules regarding drug and alcohol use and testing.
7. **Co-Worker Referral** – As per 49 CFR 219, Subpart K, a report by a Co-worker to a Supervisor that a Regulated Service Employee appeared to be unsafe to work with and/or appeared to be in violation of this Policy. The name of the Co-worker will be confidential and the Co-worker who made the report will not be called as a witness should a subsequent administrative or disciplinary action be required. If the Regulated Service Employee who is the subject of a Co-Worker Report is referred to EAP, accepts such referral, and follows the EAP’s recommendation(s) disciplinary action may be held in abeyance.
8. **Voluntary Referral** – As per 49 CFR 219, Subpart K, a program designed to encourage and facilitate the identification of a Regulated Service Employee who abuses drugs or alcohol by providing the employee the opportunity to obtain counseling or treatment before the Regulated Service Employee’s drug or alcohol abuse manifests itself in a detected violation of federal regulation and/or this Policy.
9. **Verified Positive Test Result**
 - a. For a drug test, a test result that was positive on an initial immunoassay test, confirmed by a gas chromatography/mass spectrometry assay or other chromatographic methods with mass spectrometry and reviewed and verified as positive by an MRO in accordance with the procedures set forth in 49 C.F.R. Part 40 - "Procedures for Transportation Workplace Drug and Alcohol Testing Programs."
 - b. For an alcohol breath test, an initial breath or saliva test performed on a Department of Transportation (DOT) approved "Evidential Breath Testing" or "Saliva Screening Test" device. A result of .02 or higher on the initial breath or saliva test will be confirmed by a second breath test on a DOT-approved "Evidential Breath Testing" device; the result of the second breath test must be .02 or higher for a verified positive test result.

IV. PROHIBITED CONDUCT AND EMPLOYEE REQUIREMENTS**A. All employees are prohibited from:**

1. Using alcoholic beverages, intoxicants or controlled substances, or from being under the influence or impaired by same, while subject to duty or while on duty.
2. Possessing alcohol while on duty.
3. Illegally manufacturing, distributing, selling, dispensing, possessing or using any illegally obtained controlled substance on or off duty.
4. Possessing drug paraphernalia in the workplace.
5. Consuming alcohol during working hours, including meal and break periods.

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6. Refusing to cooperate or intentionally interfering with the LIRR's efforts to enforce this Policy or related federal regulations, including, but not limited to, refusing to submit to drug and/or alcohol testing conducted pursuant to this Policy or related federal regulations, or tampering with the integrity of a breath, saliva, or urine sample in connection with any such test.
 7. Violating the LIRR rules and regulations (customer rules) applicable to customers on LIRR terminals, trains and stations. If there is a conflict between employee conduct that is prohibited by this Policy and conduct that is prohibited under the customer rules, this Policy governs.
- B.** All employees, whether on or off duty, are prohibited from:
1. Consuming alcohol on LIRR property.
 2. Possessing an open container of an alcoholic beverage on LIRR property.
 3. Possessing or consuming alcohol while wearing an LIRR uniform.
 4. Possessing or being under the influence of or impaired by alcohol on non-public LIRR property, including, but not limited, to shops, tracks, towers and offices.
- C.** No alcoholic beverages are permitted at LIRR-sponsored functions.

~~D. The detection of a prohibited substance resulting from any required toxicological test is a violation of this Policy.~~

~~D.E. Employees are prohibited from refusing to take a drug and/or alcohol test when directed to do so. Employees who are directed to take a breath and/or urinalysis and/or breath test are expected and required to comply. A refusal to test will be considered insubordination and the equivalent of a "positive" test result. Any employee refusing to cooperate in a breath and/or urinalysis test shall be subject to discipline up to and including dismissal. a violation of this policy.~~

Note: The LIRR recognizes a refusal to test as defined in 49 CFR 40.191 and 40.261 and specified in Attachment C to this Policy (Sections VII and VIII); please see these documents for full descriptions of what constitutes a refusal to test under both federal and LIRR authority.

~~E. The detection of a prohibited substance resulting from any required toxicological test is a violation of this Policy.~~

F. Medication Reporting Requirements

1. Regulated Service Employees and Commercial Drivers are prohibited from working while taking prescription and/or OTC medications, other than those noted in F.2. (below), unless:

~~4. a.~~ Such use is brought to the attention of the MRO or designee by the employee;

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2b. The medication is prescribed or authorized for the employee's use by a licensed medical practitioner **and**;

3c. The MRO or designee has made a good faith judgment that use of the substance as prescribed is consistent with the safe performance of the employee's duties. The determination of the MRO or designee is final and binding.

~~V. CONSEQUENCES OF ENGAGING IN PROHIBITED CONDUCT~~

~~A. Employees determined to be in violation of this Policy will be subject to dismissal. At the discretion of the LIRR, employees may be offered a suspension of nine (9) months without pay. A represented employee may be offered the opportunity to sign a Trial Waiver and a Last Chance Agreement after a first violation of this Policy and will be dismissed after a second violation.~~

2. The following types of medications do not need to be reported to the MRO or designee by any classification of employee prior to the employee working while using them:

- Allergy shots;
- Antibiotics;
- Antifungals;
- Asthma medications;
- Beta-blockers;
- Birth control pills;
- Blood pressure medications;
- Cholesterol medications;
- Cough drops;
- Ear drops;
- Erectile dysfunction medications;
- Joint injections;
- Laxatives;
- Stool softeners;
- Reflux medications;
- Topical products (i.e., creams/ointments);
- Vaccines;
- Vitamins (ex.: A, B, C, D, E);
- Over-the-counter medications that do not have a safety-related warning on their label.

An employee must report any medication with a safety-related warning to the MRO or designee prior to working while taking it; such warnings include, but are not limited to,

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those indicating that drowsiness/ dizziness may occur or those directing you not to operate a vehicle or heavy machinery while taking the medication.

If an employee is unsure of the type of medication he/she has been prescribed after conferring with his/her prescribing doctor, then the employee must report this medication to Medical.

3. Employees may work while taking prescription anti-inflammatory medications without prior approval from Medical. However, these must be reported to Medical within 24 hours of taking them or on the next business day on which Medical is open (whichever is later).

4. Employees must provide all medication and other medical information to LIRR Medical Facility (Medical) staff upon request during any visit to Medical.

G. Arrest and Conviction Reporting Requirements

1. Pursuant to the federal Drug-Free Workplace Act, 41 U.S.C. §8102, et seq., an employee convicted of violating a criminal drug statute in the workplace must report the conviction to his/her department head within five (5) days of the conviction. ~~An employee convicted of violating a criminal drug statute in the workplace and/or who fails to report such conviction may be subject to disciplinary action, up to and including dismissal; it is the department head's responsibility to report this to Labor Relations and the Assistant Director – Employee Services.~~

2. An employee who is a Regulated Service Employee, a Commercial Driver or a Safety Sensitive Employee arrested for, or convicted of, violating a criminal drug or alcohol statute (including the New York State Vehicle & Traffic Law and Penal Law), in or out of the workplace, must report the arrest or conviction to his/her department head within five (5) days of the arrest or conviction. ~~A Regulated Service Employee, a Commercial Driver or a Safety Sensitive employee who fails to report such arrest or conviction may be subject to disciplinary action, up to and including dismissal; it is the department head's responsibility to report this to Labor Relations and the Assistant Director – Employee Services.~~

V. CONSEQUENCES OF ENGAGING IN PROHIBITED CONDUCT AND NON-REPORTING

A. Employees determined to be in violation of this Policy (IV.A through IV.E above) will be subject to dismissal. At the discretion of the LIRR, employees in violation of IV.A through IV.D. above maybe offered a suspension of not less than six (6) months without pay; at the discretion of the LIRR, employees refusing to test, in violation of IV.E. above may, at the discretion of the Carrier, be offered a suspension of not less than nine (9) months without pay. A represented employee may be offered the opportunity to sign a Trial Waiver and a Last Chance Agreement after a first violation of this Policy and will be dismissed after a second violation.

B. Employees determined to have failed to report prescription medications or to report arrests/convictions, as required above (IV.F. and IV.G.) may, at the discretion of the Carrier, also be subject to disciplinary action, up to and including dismissal, dependent on the circumstances involved.

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VI. DRUG TESTING PROGRAM

A. General

1. All employees are subject to drug and/or alcohol testing as required by applicable federal regulations and/or this Policy.

Attachment B to this Policy is a list of the current Drug Testing Panels under federal authority and under LIRR authority. Federal and/or LIRR Drug Testing Panels are subject to change at any time without notice.

2. Pursuant to 49 CFR Part 219, the FRA requires and/or permits the LIRR to conduct, for Regulated Service Employees, the following types of drug and/or alcohol testing:
 - a. Pre-Placement;
 - b. Reasonable Suspicion;
 - c. Reasonable Cause;
 - d. Post-Accident;
 - e. Random; and
 - f. Federal Return-to-Duty and Follow-up.
3. Pursuant to 49 CFR §219.23, guidance for Regulated Service Employees about 49 CFR Part 219 is in **Attachment C** to this Policy.
4. Pursuant to 49 CFR Part 382, the FMCSA requires and/or permits the LIRR to conduct, for Commercial Drivers, the following types of drug and/or alcohol testing:
 - a. Pre-placement;
 - b. Reasonable Suspicion;
 - c. Post-Accident;
 - d. Random; and
 - e. Federal Return-to-Duty and Follow-up.
5. The LIRR may conduct drug and/or alcohol testing of **all employees** for:
 - a. Reasonable Suspicion;
 - b. Reasonable Cause; and
 - c. Discretionary.
6. The LIRR may conduct drug and/or alcohol testing of Regulated Service Employees, Commercial Drivers and Safety Sensitive Employees for:
 - a. Pre-placement; and as part of:
 - b. Periodic Physical Examination; and
 - c. ~~A-Return-to-Duty-Physical Examination.~~

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7. Employees and applicants whose initial drug test results are returned as negative-dilute will be retested for the following tests: Pre-Placement; Reasonable Suspicion, Reasonable Cause, Follow-Up, and Return-to-Duty.
8. The LIRR is not required to conduct drug and/or alcohol testing before taking disciplinary action, up to and including dismissal, for a violation of this Policy.

B. Types of Drug/Alcohol Testing**1. Pre-Placement**

Human Resources will schedule a Pre-Placement drug test for applicants or employees who have received offers to perform service for the LIRR as a Regulated Service Employee; as a Commercial Driver; or as a Safety Sensitive Employee. No such employee may perform service prior to passing a drug test administered by the LIRR Medical Facility.

2. Random

Regulated Service Employees and Commercial Drivers are subject to a drug and/or alcohol test performed randomly under FRA/FMCSA regulations as applicable.

3. Reasonable Suspicion**a. Guidelines for Regulated Service Employees:**

- i. When Reasonable Suspicion exists for a Regulated Service Employee, drug and/or alcohol testing is mandatory under 49 CFR Part 219.
- ii. **Alcohol Test** - At least **one** (1) Supervisor who has completed the LIRR training course "Identifying the Troubled Employee" must make the required observation before sending a Regulated Service Employee for an alcohol test.
- iii. **Drug Test** - At least **two** (2) Supervisors, one (1) of whom has completed the LIRR Training course "Identifying the Troubled Employee," must make the required observation before sending a Regulated Service Employee for a drug test.
- iv. The LIRR must make diligent efforts to conduct a drug and/or alcohol test within two (2) hours of the required observation of a Regulated Service Employee. If testing is not conducted within two (2) hours, the Supervisor must provide the Assistant Director-Employee Services or designee with documentation as to the reason why the test was not promptly conducted. No alcohol testing may be performed after the expiration of eight (8) hours from the time of the required observation.
- v. Regulated Service Employees may not be tested after they have been released from duty.

b. Guidelines for Commercial Drivers

- i. All Commercial Drivers are subject to drug and/or alcohol testing when Reasonable Suspicion exists.

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- ii. **Alcohol Test** - A Commercial Driver may not be subjected to alcohol testing under FMCSA regulations unless the Supervisor's observation is made just prior to, during, or just after the time the Commercial Driver is performing safety-sensitive (FMCSA) functions. At least one (1) Supervisor who has completed the LIRR's training course, "Identifying the Troubled Employee," must make the required observation before sending a Commercial Driver for a test. The LIRR must make all reasonable efforts to conduct alcohol testing within two (2) hours of the observed behavior. If testing is not conducted within two (2) hours, the Supervisor must provide the Assistant Director-Employee Services or designee with documentation as to why the test was not promptly administered. No alcohol testing may be performed after the expiration of eight (8) hours from the time of observation.

Note: A Commercial Driver may be subjected to alcohol testing under company authority (Guidelines for Safety Sensitive and Non-Safety Sensitive employees) if the Supervisor's observation is made at a time other than just prior to, during, or just after the time the Commercial Driver is performing safety-sensitive (FMCSA) functions.

- iii. **Drug Test** - At least one (1) Supervisor who has completed the LIRR's Training Program, "Identifying the Troubled Employee," must make the required observation before sending a Commercial Driver for a test. The LIRR must make diligent efforts to conduct a drug test within two (2) hours of the required observation. If testing is not conducted within two (2) hours, the Supervisor must provide the Assistant Director-Employee Services or designee with documentation as to the reason why the test was not promptly conducted.
- iv. Commercial Drivers may not be tested after they have been released from duty.
- c. **Guidelines for Safety Sensitive and Non-Safety Sensitive Employees:**
- i. All employees are subject to drug and/or alcohol testing when Reasonable Suspicion exists.
- ii. The decision that Reasonable Suspicion exists must be based on specific contemporaneous and articulable observations by a Supervisor who has completed the required LIRR training course on "Identifying the Troubled Employee" and can document one or more of the following criteria about an on-duty employee's appearance, behavior, speech, or body odor associated with drug and/or alcohol use:
- Staggered gait, difficulty walking
 - Slurred speech
 - Drowsiness/sleepiness
 - Odor of an intoxicant
 - Disorientation (time/place/person)

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- Rapid mood swings with no apparent reason
 - Poor coordination or body control
- iii. Note that direct observation of the possession or use of an intoxicant or controlled substance is a violation of this Policy; no alcohol and/or drug test should be done upon such observation.
 - iv. The criteria in VI.B.3.c.ii above also applies to the direct observation necessary for a Supervisor to corroborate and investigate an FRA Co-Worker Referral.
 - v. Alcohol Test - At least one (1) Supervisor who has completed the LIRR training course "Identifying the Troubled Employee" must make the required observation before sending a Safety Sensitive or Non-Safety Sensitive Employee for an alcohol test.
 - vi. Drug Test - At least one (1) Supervisor who has completed the LIRR training course "Identifying the Troubled Employee" must make the required observation before sending a Safety Sensitive or Non-Safety Sensitive Employee for a drug test.
 - vii. The LIRR must make diligent efforts to conduct a drug and/or alcohol test within two (2) hours of the required observation. If testing is not conducted within two (2) hours, the Supervisor must provide the Assistant Director -Employee Services or designee with documentation as to the reason why the test was not promptly conducted. No alcohol testing may be performed after the expiration of eight (8) hours from the time of the required observation.
 - viii. Safety Sensitive and Non-Safety Sensitive Employees may not be tested after they have been released from duty.
 - ix. Documentation - Within a reasonable time following a Supervisor's determination of Reasonable Suspicion, the Supervisor must document the date, time, and place, as well as a description of the observed behavior, and send a copy of such documentation to the Assistant Director -Employee Services or designee.

4. Reasonable Cause

a. Guidelines for Regulated Service Employees

Reasonable Cause drug and/or alcohol testing will be conducted for Regulated Service Employees under the following circumstances:

- i. **Accident/Incident** - There is an Accident/Incident and a Supervisor has a reasonable belief, based on specific, articulable facts that the employee's acts or omissions contributed to the occurrence or the severity of the Accident/Incident;
or
- ii. **Rule Violation** - The Regulated Service Employee has been directly involved in one (1) or more of the following Operating Rule violations or errors.

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- Non-compliance with a train order, timetable, signal indication, special instruction or other direction with respect to movement of a train 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 movement to pass;
 - Passing an absolute restrictive signal or passing a restrictive signal without stopping (if required);
 - Failure to protect a train as required by a rule consistent with 49 CFR §218.37 (including failure to protect a train that is fouling an adjacent track);
 - Operation of a train at a speed that exceeds the maximum authorized speed by at least ten (10) miles per hour;
 - Alignment of a switch in violation of a railroad rule, failure to align a switch as required for movement, operation of a switch under a train, or unauthorized running through a switch;
 - Failure to apply or stop short of derail as required;
 - Failure to secure sufficient hand brakes;
 - Entering a crossover before both switches are lined for movement; or
 - In the case of a person performing a dispatching function or block operator function, issuance of a train order or establishment of a route that fails to provide proper protection for a train.
- iii. The LIRR must make diligent efforts to conduct the drug and/or alcohol test within four (4) hours of an accident/incident. If testing is not conducted within four (4) hours, the Supervisor must provide the Assistant Director-Employee Services or designee with documentation as to the reason why the test was not promptly conducted. No alcohol testing may be performed after expiration of eight (8) hours from the time of the accident/incident.
- iv. Regulated Service Employees may not be tested after they have been released from duty.
- v. **Documentation** - The Supervisor must document the date, time, and place of the occurrence, giving rise to testing, as well as the reason for testing, and send a copy of such documentation to the Assistant Director-Employee Services or designee.
- vi. All Reasonable Cause testing is performed under LIRR authority.
- b. Guidelines for Commercial Drivers**
- The LIRR will test any Commercial Driver for drugs and/or alcohol following an Accident/Incident giving rise to Reasonable Cause testing as set forth in Section VI.B.4(c) of this Policy.

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c. Guidelines for All Employees

There is Reasonable Cause for LIRR to test any employee for drugs and/or alcohol under the following circumstance:

- i. There is an Accident/Incident and/or a Supervisor has a reasonable belief, based on specific, articulable facts that the employee's acts or omissions contributed to the occurrence or the severity of the Accident/Incident.
- ii. The LIRR must make diligent efforts to conduct the drug and/or alcohol test within four (4) hours of an accident/incident. If testing is not conducted within four (4) hours, the Supervisor must provide the Assistant Director-Employee Services or designee with documentation as to the reason why the test was not promptly conducted. No alcohol testing may be performed after expiration of eight (8) hours from the time of the accident/incident.
- iii. Employees may not be tested after they have been released from duty.
- iv. All Reasonable Cause testing is performed under LIRR authority.

5. Post Accident

- a. **Regulated Service Employees** - The FRA regulations set forth in 49 CFR Part 219, Subpart C on the control of alcohol and drug use require toxicological testing after accidents that involve one (1) or more of the circumstances described below:
 - i. **Major train accident** - Any train accident (*i.e.*, a rail equipment accident involving damage in excess of the current reporting threshold) that involves one (1) or more of the following:
 - 1) A fatality;
 - 2) Release of hazardous material lading from railroad equipment accompanied by:
 - An evacuation; or
 - A reportable injury resulting from the hazardous material release, e.g. from fire, explosion, inhalation, or skin contact with the material); or
 - 3) Damage to railroad property of \$1,500,000 or more.
 - ii. **Impact accident** - An impact accident (*i.e.*, a rail equipment accident defined as an "impact accident" in § 219.5 that involves damage in excess of the current reporting threshold) resulting in:
 - 1) A reportable injury; or
 - 2) Damage to railroad property of \$150,000 or more.
 - iii. **Fatal train incident** - Any train incident that involves a fatality to any on-duty railroad employee.

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- iv. **Passenger train accident** - Reportable injury to any person in a train accident (i.e., a rail equipment accident involving damage in excess of the current reporting threshold) involving a passenger train.
 - v. **Human-factor highway-rail grade crossing accident/incident**. A highway rail grade crossing accident/incident when it involves:
 - 1) A Regulated Service 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, as prohibited by § 234.209 of this chapter;
 - 2) 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, as provided by § 234.105(c)(3) of this chapter;
 - 3) A Regulated Service Employee who was performing, or should have been performing, the duties of an appropriately equipped flagger (as defined in 49 CFR § 234.5 due to an activation failure, partial activation, or false activation of the grade crossing signal system, as provided by 49 CFR § 234.105(c)(1)(2), 49 CFR § 234.106, or 49 CFR § 234.107(c)(1)(i);
 - 4) A fatality to any Regulated Service Employee performing duties for the railroad, regardless of fault; or
 - 5) A Regulated Service 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.

Exceptions - Except for a human-factor highway-rail grade crossing accident/incident as described above: No test shall be required in the case of a collision between railroad rolling stock and a motor vehicle or other highway conveyance at a rail/highway grade crossing. No test shall be required in the case of an accident/incident, the cause and severity of which are wholly attributable to a natural cause (e.g., flood, tornado or other natural disaster) or vandalism or trespasser(s), as determined on the basis of objective and documented facts by the railroad representative responding to the scene.

In the event of an accident requiring a toxicological test, a Supervisor must contact the Assistant Director-Employee Services or designee to advise of the use of a toxicological test kit and the need for a replacement.

The determination of whether an FRA Post Accident test is required should be made based on the above and review of the FRA's most current Post Accident Testing Criteria flowchart.

b. Commercial Drivers

The FMCSA regulations set forth in 49 CFR § 382.303 on the control of alcohol and drug use require toxicological testing as soon as practicable following an occurrence

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involving a commercial motor vehicle operating on a public road in commerce. The LIRR shall test for alcohol and controlled substances for each surviving driver:

- i. Who was performing safety-sensitive functions with respect to the vehicle, if the accident/incident involved the loss of human life; or
- ii. Who receives a citation under State or local law for a moving traffic violation arising from the accident, if the accident involved:
 - 1) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
 - 2) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

Alcohol Test - If a test required by this section is not administered within two (2) hours following the accident/incident, the LIRR shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a required test is not administered within eight (8) hours following the accident/incident, the LIRR shall cease attempts to administer an alcohol test and shall prepare and maintain the same record. Records shall be submitted to the FMCSA upon request of the Associate Administrator.

Controlled Substance Test - If a required test is not administered within thirty-two (32) hours following the accident/incident, the LIRR shall cease attempts to administer a controlled substance test, and prepare and maintain on file a record stating the reasons the test was not promptly administered. Records shall be submitted to the FMCSA upon request of the Associate Administrator.

A driver who is subject to post-accident testing shall remain readily available for such testing or may be deemed to have refused to submit to testing. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident/incident or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident/incident or to obtain necessary emergency medical care.

Exceptions - No test shall be conducted for:

- 1) An occurrence involving only boarding or alighting from a stationary motor vehicle;
- 2) An occurrence involving only the loading or unloading of cargo; or
- 3) An occurrence in the course of the operation of a passenger car or a multipurpose passenger vehicle (as defined in 49 CFR Part 382.303 § 571.3) unless the motor vehicle is transporting passengers for hire or hazardous materials of a type and quantity that require the motor vehicle to be marked or placarded in accordance with 49 CFR Part 382.303 § 177.823.

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In the event of an accident requiring toxicological testing, a Supervisor must contact the Assistant Director-Employee Services or designee.

6. ~~Federal~~ Return-to-Duty and Follow-up ~~Testing~~

- a. Any Regulated Service Employee or Commercial Driver who has ~~engaged~~pled guilty to engaging in conduct in violation of federal regulations (i.e., FRA or FMCSA) as applicable must pass a federal drug and/or alcohol test in order to return to his/her position.
- b. Any Regulated Service Employee or Commercial Driver who has ~~engaged~~pled guilty to engaging in conduct in violation of federal regulations (i.e., FRA or FMCSA) is subject to unannounced federal follow-up drug and/or alcohol testing as directed by applicable FRA/FMCSA federal laws and regulations or as directed by the SAP.

~~7. Discretionary Testing~~

- ~~a. Any employee who has engaged~~pled guilty to engaging~~ in conduct in violation of this Policy (i.e., non-federal) must pass an LIRR-authorized drug and/or alcohol test in order to return to his/her position.~~

~~8.7. Any employee who has engaged in conduct that is not also a violation of this Policy (i.e., non-federal) regulations is subject to unannounced LIRR-authorized ~~follow-up~~ drug and/or alcohol testing as directed by LIRR EAP or as a condition of discipline.~~

~~9.8. Periodic Physical Examinations~~ – Regulated Service Employees whose positions require Periodic Physical Examinations may be subjected to drug testing as part of those examinations if the examination occurs on the randomly selected monthly test date.

~~10.9. CDL Medical Examinations~~ – Employees who perform commercial driving functions for the LIRR and who elect to have LIRR Medical perform their required CDL medical examination will be subject to a drug test at that time; this test will be performed under LIRR authority.

~~11.10. Return-to-Duty ~~Physical Examinations~~~~ – Regulated Service Employees, Commercial Drivers, and Safety Sensitive Employees who have been absent from work for any reason for thirty (30) calendar days or more will be subject to drug and/or alcohol testing. This will be performed as part of a Return-to-Duty physical examination when applicable. All employees who are returning to work following a violation of this policy that was not also a violation of federal regulations will be subject to drug and/or alcohol testing as part of a Return-to-Duty physical examination.

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C. Summary of Types of Drug Testing Applicable to Employee Classifications**1. Pre-Placement**

- a. Regulated Service Employees are subject to Pre-Placement testing under federal and LIRR authority.

Note: Regulated Service Employees may only be given one federal Pre-Placement test; once the employee has a negative Pre-Placement test result on file with the LIRR, the employee may only be given LIRR authority Pre-Placement tests.

- b. Commercial Drivers are subject to Pre-Placement testing under federal and LIRR authority.

Note: Commercial Drivers may only be given one federal Pre-Placement test; once the employee has a negative Pre-Placement test result on file with the LIRR, the employee may only be given LIRR authority Pre-Placement tests.

- c. Safety Sensitive employees are subject to Pre-Placement testing under LIRR authority.
- d. Non-Safety Sensitive employees are not subject to Pre-Placement testing.

2. Random

- a. Regulated Service Employees are subject to Random testing under federal authority.
- b. Commercial Drivers are subject to Random testing under federal authority.
- c. Safety Sensitive Employees are not subject to Random testing.
- d. Non-Safety Sensitive Employees are not subject to Random testing.

3. Reasonable Suspicion

- a. Regulated Service Employees are subject to Reasonable Suspicion testing under federal authority.
- b. Commercial Drivers are subject to Reasonable Suspicion testing under federal and LIRR authority.

Note: Commercial Drivers will be subject to federal Reasonable Suspicion testing in all instances except when an alcohol test is being given based on a Supervisor's observation that was made at a time other than just prior to, during, or just after the time the Commercial Driver is performing safety-sensitive (FMCSA) functions.

- c. Safety Sensitive employees are subject to Reasonable Suspicion testing under LIRR authority.
- d. Non-Safety Sensitive employees are subject to Reasonable Suspicion testing under LIRR authority.

4. Reasonable Cause

- a. Regulated Service Employees are subject to Reasonable Cause testing under LIRR authority.

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- b. Commercial Drivers are subject to Reasonable Cause testing under LIRR authority.
- c. Safety Sensitive employees are subject to Reasonable Cause testing under LIRR authority.
- d. Non-Safety Sensitive employees are subject to Reasonable Cause testing under LIRR authority.

5. Post-Accident

- a. Regulated Service Employees are subject to FRA Post Accident testing under federal authority.
- b. Commercial Drivers are subject to FMCSA Post-Accident testing under federal authority.
- c. Safety Sensitive Employees are not subject to Post Accident Testing.
- d. Non-Safety Sensitive Employees are not subject to Post Accident Testing.

6. Federal Return-to-Duty and Follow-Up Testing

Note: This category of Return-to-Duty testing applies only to those employees returning to duty following a violation of federal drug and alcohol regulations.

- a. Regulated Service Employees are subject to Federal Return-to-Duty and Follow-Up testing under federal authority.
- b. Commercial Drivers are subject to Federal Return-to-Duty and Follow-Up testing under federal authority.
- c. Safety Sensitive employees are not subject to Federal Return-to-Duty and Follow-Up testing.
- d. Non-Safety Sensitive employees are not subject to Federal Return-to-Duty and Follow-Up testing.

7. Discretionary Testing

- a. Regulated Service Employees are subject to Discretionary testing under LIRR authority.
- b. Commercial Drivers are subject to Discretionary testing under LIRR authority.
- c. Safety Sensitive employees are subject to Discretionary testing under LIRR authority.
- d. Non-Safety Sensitive employees are subject to Discretionary testing under LIRR authority.

8. Periodic

- a. Regulated Service Employees are subject to Periodic testing as applicable under LIRR authority.
- b. Commercial Drivers are not subject to Periodic testing.

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- c. Safety Sensitive employees are not subject to Periodic testing.
 - d. Non-Safety Sensitive employees are not subject to Periodic testing.

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9. CDL Medical Examinations

- a. Regulated Service Employees are not subject to CDL Medical Examination testing.
- b. Commercial Drivers are subject to CDL Medical Examination testing under LIRR authority.
- c. Safety Sensitive employees are not subject to CDL Medical Examination testing.
- d. Non-Safety Sensitive employees are not subject to CDL Medical Examination testing.

10. Return-to-Duty

Note: This category of Return-to-Duty testing applies only to those employees returning to duty following an absence of thirty (30) calendar days or more OR following a violation of this policy that was not also a violation of federal regulations.

- a. Regulated Service Employees are subject to Return-to-Duty testing under LIRR authority.
- b. Commercial Drivers are subject to Return-to-Duty testing under LIRR authority.
- c. Safety Sensitive employees are subject to Return-to-Duty testing under LIRR authority.
- d. Non-Safety Sensitive employees are subject to Return-to-Duty testing under LIRR authority- (see Note below).

Note: Non-Safety Sensitive employees are not subject to Return-to-Duty testing following an absence of thirty (30) calendar days or more except when specified following a violation of LIRR policy.

VII. RESOURCES**A. LIRR Employee Assistance Program (EAP) – 516-248-3434**

1. EAP is an employee benefit available to all employees and their family members. EAP's role is to offer professional assistance in the form of short-term confidential counseling and referrals for a wide range of personal assistance, including alcohol/substance abuse.
2. Regarding alcohol/substance abuse, an EAP Substance Abuse Professional qualified by experience, education, and training (a) counsels persons affected by alcohol and/or substance abuse and evaluates their recovery; and (b) provides alcohol and drug awareness training to Supervisors.

B. An employee may seek the confidential services of the EAP regarding his/her use of controlled substances and/or alcohol or may be referred by a Supervisor, another employee, the employee's union representative or as a condition of discipline. All requests for information and assistance are held in the strictest confidence except as indicated in Section VII.D.4, below.

C. Health Insurance Benefits - The LIRR's group health insurance plans include coverage for alcohol and/or drug abuse treatment.

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- D. Referral Programs (FRA)** – A Regulated Service Employee will be classified as participating in a Referral Program from the time he/she seeks assistance through LIRR’s designated DAC, provided that said assistance is requested before the employee has been charged with conduct deemed by LIRR sufficient to warrant dismissal, except as noted in Section VII.D.5. below, and that the employee reports to the DAC either (1) during non-duty hours or (2) while unimpaired and otherwise in compliance with this Policy. A referred employee may maintain an employment relationship with the LIRR subject to the conditions and procedures of Federal regulations and LIRR policies.
1. A Voluntary Referral is designed to encourage and facilitate the identification of a Regulated Service Employee with a drug and/or alcohol issue by providing the employee the opportunity to obtain counseling or treatment before this issue manifests itself in a safety concern for the Regulated Service Employee or others or a violation of Federal regulation and/or LIRR policy.
 2. A Co-Worker Referral is designed to encourage co-worker participation in avoiding safety concerns based on a Regulated Service Employee’s drug and/or alcohol issue or a violation of Federal regulation and/or LIRR policy. A Regulated Service Employee may be classified as a Co-Worker Referral following an alleged offense of the LIRR’s Alcohol and Drug Policy, provided the alleged violation is brought to the attention of the LIRR by the Regulated Service Employee’s Co-Worker. The Co-Worker must report that the Regulated Service Employee was apparently unsafe to work with or was, or appeared to be, in violation of the LIRR’s Alcohol and Drug Policy. The Regulated Service Employee must accept a referral to the DAC to be considered a Co-Worker Referral.
- 3. Referral Program Provisions**
- a. The DAC will handle the referral and all subsequent counseling and treatment as confidential except as indicated in Section VII.D.4 (below).
 - b. The DAC will schedule the necessary interviews with the Regulated Service Employee and complete an evaluation within ten (10) calendar days of the date the Regulated Service Employee contacted the DAC with the request to be evaluated.
 - c. At the time a referred Regulated Service Employee requests assistance through the LIRR for an alcohol or drug problem, he/she will be granted a leave of absence from the LIRR for the minimum time recommended by the DAC to complete a primary education, counseling, or treatment program and establish control over the employee’s drug or alcohol abuse problem.
 - d. A referred Regulated Service Employee will be returned to service on the recommendation of the DAC upon compliance with any recommended return-to-service requirements and the successful completion of a return-to-duty medical examination if required under the Regulated Service Employee’s applicable collective bargaining agreement or LIRR policy. Approval to return to service will not be unreasonably withheld.

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4. Waiver of Confidentiality – Locomotive Engineers, Conductors, or Candidates for Certification – Per Section VIII.D. below, the policy of confidentiality for certified Locomotive Engineers, certified Conductors, or candidates for certification is waived to the extent that the LIRR shall receive from the DAC official notice of the Substance Abuse disorder and shall suspend or revoke the certification as appropriate if the person at any time refuses to comply with the recommended course of counseling or treatment.
5. Consistent with 49 CFR 219.1001(d)(2), the LIRR is not required to adhere to a voluntary, co-worker, or non-peer referral program when the referral is made for the purpose, or with the effect, of anticipating or avoiding the imminent and probable detection of a violation of any Federal or LIRR rule, policy, or procedure by a supervising employee.

VIII. CONFIDENTIALITY

- A. No Supervisor or employee may disclose to any individual any drug and/or alcohol use or testing information concerning any other employee, unless: such disclosure is necessary for compliance with this Policy or applicable federal law/regulations; or the employee has signed a release authorizing the disclosure of such confidential information.
- B. All records maintained in the course of carrying out the procedures described in this Policy and under federal drug and alcohol testing laws must be maintained in a separate, locked file pursuant to the LIRR Confidentiality & Security of Personal Identifying Information Policy, EMPL-007.
- C. If an employee discloses the information or records described above to any other individual for any reason, except as permitted above, the employee may be subject to administrative or disciplinary action, up to and including dismissal.
- D. Consistent with §§240.119(e) and 242.115(g) of federal regulations, for a certified locomotive engineer, certified conductor, or a candidate for engineer or conductor certification, confidentiality is waived (to the extent the railroad receives from a DAC official notice of the active drug abuse disorder and suspends or revokes the certification, as appropriate) if the employee at any time refuses to cooperate in a recommended course of counseling or treatment.

IX. RELATED POLICIES

MED-002 - Americans with Disabilities Act (ADA)
LEAVE-003 - Family and Medical Leave Act (FMLA)
MED-001 - Medical Assessment Policy
EMPL-007 – Confidentiality & Security of Personal Identifying Information Policy

X. ATTACHMENTS

Attachment A – Titles Designated as MOW/RWP Employees and titles which may be designated as MOW/RWP Employees
Attachment B – Federal and LIRR Drug Panels
Attachment C – Guidance for Regulated Service Employees about 49 CFR Part 219

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XI. REVISION TRACKING

June 2007

February 2008

April 2009

June 2014 - The Policy was scheduled for review per CP&P BPM-001 – Issuance of Corporate Policies and Procedures. Updated the reference number to the Drug-Free Workplace Act from 41 U.S.C. § 701 to 41 U.S.C. § 8102.

June 2017 - The Policy was revised in compliance with 49 CFR Part 219; delineates when action is/may be taken under federal authority and under LIRR authority; adds a requirement that arrests/convictions by Regulated Service Employees, Commercial Drivers and Safety Sensitive Employees for violating drug/alcohol statutes in or out of the workplace must be reported pursuant to the Policy; and adds, as an attachment, information about drug testing panels under Federal/LIRR authority.

March 2018 - The Policy was revised in further compliance with 49 CFR Part 219, including §219.23 by adding: Attachment A, titles of MOW/RWP Employees and titles which may be designated as MOW/RWP Employees; and Attachment C, “Guidance for Regulated Service Employees about 49 CFR Part 219.” Additional information was added to Section VII. of the Policy regarding Referral Program provisions and to Section VI.C. to clarify testing authority for test types. A reference to federal regulation was added to Section IV. to define a refusal to test.

March 2020 - This Policy was revised to reflect changes in medication reporting requirements for FRA Regulated employees and CDL drivers; to distinguish between consequences for engaging in prohibited conduct and for non-reporting violations; to clarify the definition of Return to Duty testing; to reflect changes in Federal and LIRR Drug Panels (Attachment B).

June 2020 - This policy was revised to reflect a change in the timeframe for consequences for engaging in prohibited conduct.

Summary
7/14/2020 3:54:24 PM

Differences exist between documents.

New Document:

[MED-005a_Alcohol and Substance Abuse - MOW_RWP Positions 6-2020](#)

6 pages (332 KB)

7/14/2020 3:54:22 PM

Used to display results.

Old Document:

[MED-005a_MOW_RWP Positions](#)

5 pages (67 KB)

7/14/2020 3:54:21 PM

[Get started: first change is on page 1.](#)

No pages were deleted

How to read this report

Highlight indicates a change.

Deleted indicates deleted content.

 indicates pages were changed.

 indicates pages were moved.

MOW/RWP Designated Positions

49 CFR 214.1: Roadway worker means any employee of a railroad, or of a contractor to a railroad, whose duties include inspection, construction, maintenance or repair of railroad track, bridges, roadway, signal and communication systems, electric traction systems, roadway facilities or roadway maintenance machinery on or near track or with the potential of fouling a track, and flagmen and watchmen/lookouts as defined in this section.

Department	Position	All/Designated
DPM	Assistant Chief Program Officer	Does not include Tech Services, Administration and Grant Management
DPM	Assistant Project Manager	Does not include administrative positions
DPM	Chief Engineer - Program Management	All
DPM	Director - Program Management	Does not include Tech Services, Administration and Grant Management
DPM	Project Coordinator	Does not include administrative positions
DPM	Project Manager	Does not include administrative positions
DPM	Project Manager Trainee	Does not include administrative positions
DPM	Senior Project Manager	Does not include administrative positions
Engineering	Asset Management Specialist	All
Engineering	Assistant Chief Engineer C&S Officer	All
Engineering	Assistant Chief Engineer Facilities Opers Officer	All
Engineering	Assistant Chief Engineer Power	All
Engineering	Assistant Crane Engineer All Cranes	All
Engineering	Assistant Engineer ET Design	All
Engineering	Assistant Engineer Signal Design	All
Engineering	Assistant Engineer Signal Stds&Crossing	All
Engineering	Assistant Engineer Track Stand and SpecLvl1	All
Engineering	Assistant Engineer FRA/LIRR Test Lvl I	All
Engineering	Assistant Engineer FRA/LIRR Test Lvl III	All
Engineering	Assistant Engineer PTC & SigSys Lvl II	All
Engineering	Assistant Engineer SCADA & SigSys Lv III	All
Engineering	Assistant Engineer SCADA & SigSys Lvl II	All
Engineering	Assistant Engineer Signal Lvl I	All
Engineering	Assistant Engineer Signal Lvl II	All
Engineering	Assistant Engineer Signal Lvl III	All
Engineering	Assistant Engineer Track Geo&Anlys Lvl II	All
Engineering	Assistant Engineer Track Lvl II	All
Engineering	Assistant Engineer -TrackStnds&SpecsLvIII	All
Engineering	Assistant Foreman T&T	All
Engineering	Assistant General Manager-Elev/Escal Ops	All
Engineering	Assistant Manager Signal Material	All
Engineering	Assistant Manager Asset Management	All
Engineering	Assistant Manager Engineering Operations	All
Engineering	Assistant Manager Facil Maint PS&WSY	All
Engineering	Assistant Manager Facil Maint&Contracts	All

Department	Position	All/Designated
Engineering	Assistant Manager MW Material	All
Engineering	Assistant Manager Safety&Env Compliance	All
Engineering	Assistant Manager Tactical Planning	All
Engineering	Assistant Manager-Adm&Cntrs-E&E Ops Ctr	All
Engineering	Assistant Signal Circuit Des	All
Engineering	Assistant Signalman Comms	All
Engineering	Assistant Supervisor MW Machinery	All
Engineering	Assistant Supervisor Structures	All
Engineering	Assistant Supervisor Track	All
Engineering	B&B Mechanic	All
Engineering	Chief Engineer	All
Engineering	Chief Measurement Oper	All
Engineering	Comm System Engineer	All
Engineering	Communications Inspector	All
Engineering	Communications Tech	All
Engineering	Construction Inspector	All
Engineering	Crane Engineer	All
Engineering	Crane Engineer Road/Rail Cranes	All
Engineering	Deputy Chief Engineer	All
Engineering	Designer Electrical	All
Engineering	Designer Structures	All
Engineering	Director Engineering Operations	All
Engineering	Director Engineerng Asset Management	All
Engineering	Electrician	All
Engineering	Electrician Rtd Trck Car Pilot	All
Engineering	Electrician Track Car Pilot	All
Engineering	Electrolysis Tester	All
Engineering	Engineer Comm Construction Lvl II	All
Engineering	Engineer Comm Design Lvl III	All
Engineering	Engineer Comm Maint Lvl II	All
Engineering	Engineer Comm Maint Lvl III	All
Engineering	Engineer Comm PTC Radio Lvl II	All
Engineering	Engineer Design	All
Engineering	Engineer Electric Traction	All
Engineering	Engineer - ET ESA Level II	All
Engineering	Engineer Fiber Optics Lvl I	All
Engineering	Engineer Fiber Optics Lvl II	All
Engineering	Engineer HVAC Design	All
Engineering	Engineer Signal Construct	All
Engineering	Engineer Signal Design	All
Engineering	Engineer - Structures	All
Engineering	Engineer Substation Lvl II	All
Engineering	Engineer Substation Lvl III	All

Department	Position	All/Designated
Engineering	Engineer Track Maint West	All
Engineering	Engineer Track Maintenance East	All
Engineering	Engineer Track Operations	All
Engineering	Engineer Track Special Projects	All
Engineering	Engineer Track Constr	All
Engineering	Engineer Track Projects	All
Engineering	Engineer Track ROW	All
Engineering	Engineer -Track Standards & Specifi	All
Engineering	Engineer Work Equipment	All
Engineering	Engineering System Operator	All
Engineering	ET Inspector	All
Engineering	Field Engineer	All
Engineering	Field Engineer Elvtrs and Escltrs	All
Engineering	Field Engineer Fire Protection Sys	All
Engineering	Foreman B&B	All
Engineering	Foreman MW Mechanic 2nd Yr	All
Engineering	Foreman Signal	All
Engineering	Foreman Surfacing	All
Engineering	Foreman T&T	All
Engineering	Foreman Track	All
Engineering	Foreman Track Patrol	All
Engineering	Gang Foreman ET	All
Engineering	Gang Foreman ET TCPQ	All
Engineering	Gang Foreman L&P	All
Engineering	Gang Foreman Material Spclst	All
Engineering	Gang Foreman Substation	All
Engineering	Gang Foreman Trainee	All
Engineering	Helper ET	All
Engineering	Junior Engineer Engineering	All
Engineering	Lineman Cable Splicer	All
Engineering	Lineman Cs Apprentice	All
Engineering	Lineman Cs Truck Driver	All
Engineering	Load Dispatcher	All
Engineering	M W Mechanic	All
Engineering	M W Utility Worker	All
Engineering	Machine Operator	All
Engineering	Manager - Assistant Management	All
Engineering	Manager - Structures	All
Engineering	Manager Electric Traction	All
Engineering	Manager Facil Maint And Contracts	All
Engineering	Manager Fire Protection Systems	All
Engineering	Manager FRA/LIRR Testing & Instp	All
Engineering	Manager MW Material	All

Department	Position	All/Designated
Engineering	Manager Operations Engineer ng	All
Engineering	Manager Signal Construction	All
Engineering	Manager Signal ConstructionESA	All
Engineering	Manager Signal Maintenance	All
Engineering	Manager Vehicle Fleet	All
Engineering	Manager-Elevator&Escalator Ops	All
Engineering	Managing Engineer Civil Design	All
Engineering	Managing Engineer Civil Inspection	All
Engineering	Managing Engineer -Asset Management	All
Engineering	Measurement Operator	All
Engineering	MW Repairman Technician	All
Engineering	MWU High Rail Grappler PES	All
Engineering	Plumber	All
Engineering	Plumber Foreman	All
Engineering	Principal Engineer ET Design	All
Engineering	Principal Engineer Sign Maint & Constr	All
Engineering	Principal Engineer Struct	All
Engineering	Principal Engineer ET	All
Engineering	Principal Engineer -Fac Maint-East/West	All
Engineering	Principal Engineer Substation	All
Engineering	Principal Manager Comm	All
Engineering	Principal Manager Track	All
Engineering	Principal Manager-Sig Invs Stds&Sp Prj	All
Engineering	Principal Manager-Sign Constr ESA	All
Engineering	Project Engineer	All
Engineering	Senior Electrical Designer	All
Engineering	Senior Engineer Of Design	All
Engineering	Senior Manager Engineer Code Enforcement	All
Engineering	Senior Manager Engineer Material Management	All
Engineering	Senior Manager -Safety & Environmental Compliance	All
Engineering	Senior Manager- Vehicle Fleet Ops	All
Engineering	Senior Project Engineer Bridge Inspect	All
Engineering	Senior Signal Circuit Designer	All
Engineering	Senior Vehicle Fleet Administrator	All
Engineering	Signal Circuit Designer	All
Engineering	Signalman Communications	All
Engineering	Signwriter	All
Engineering	Staff Engineer Communications	All
Engineering	Staff Engineer Structures	All
Engineering	Staff Engineer Facilities	All
Engineering	Staff Manager MW Material	All
Engineering	Staff Manager MW Material ESA	All
Engineering	Staff Manager Power	All

Department	Position	All/Designated
Engineering	Staff Manager Signal	All
Engineering	Staff Manager Substations	All
Engineering	Structural Arc Welder	All
Engineering	Supervising Operator MW	All
Engineering	Supervisor Communication	All
Engineering	Supervisor Control Maintainer	All
Engineering	Supervisor Light & Power	All
Engineering	Supervisor MW Machinery	All
Engineering	Supervisor Signal Const	All
Engineering	Supervisor Signal Maint	All
Engineering	Supervisor Structures	All
Engineering	Supervisor Track	All
Engineering	Third Railman	All
Engineering	Track Car Pilot Crane Oper	All
Engineering	Track Patroller	All
Engineering	Track Worker (A)	All
Engineering	Trackworker PES	All
Engineering	Vehicle Fleet Administrator	All
Engineering	Welder	All
Maintenance of Equipment	Car Appearance Maintainer	Designated when likely to perform Covered Service or MOW/RWP duties at least four (4) times annually or an average of once a quarter.
Maintenance of Equipment	Car Repairman	Designated when likely to perform Covered Service or MOW/RWP duties at least four (4) times annually or an average of once a quarter.
Maintenance of Equipment	Electrician	Designated when likely to perform Covered Service or MOW/RWP duties at least four (4) times annually or an average of once a quarter.
Maintenance of Equipment	Gang Foreman	Designated when likely to perform Covered Service or MOW/RWP duties at least four (4) times annually or an average of once a quarter.
Maintenance of Equipment	Machinist	Designated when likely to perform Covered Service or MOW/RWP duties at least four (4) times annually or an average of once a quarter.
Maintenance of Equipment	Oiler	Designated when likely to perform Covered Service or MOW/RWP duties at least four (4) times annually or an average of once a quarter.
Maintenance of Equipment	Road Car Inspector	Designated when likely to perform Covered Service or MOW/RWP duties at least four (4) times annually or an average of once a quarter.
Maintenance of Equipment	Sheet Metal Worker	Designated when likely to perform Covered Service or MOW/RWP duties at least four (4) times annually or an average of once a quarter.
Maintenance of Equipment	Non-Represented/Management Employees	Designated when likely to perform Covered Service or MOW/RWP duties at least four (4) times annually or an average of once a quarter.
PTC	Assistant Project Manager	All
PTC	Director - Program Management	All
PTC	Executive Director - PTC	All
PTC	Project Coordinator	All
PTC	Project Manager	All
SP/ESA	Assistant Project Manager	All

Department	Position	All/Designated
SP/ESA	Chief Engineer - SP/ESA	All
SP/ESA	Consultant	All
SP/ESA	Director - SP/ESA	All
SP/ESA	Executive Director	All
SP/ESA	Lead Transportation Manager	All
SP/ESA	Manager - Transportation Operations and Construction Mgmt.	All
SP/ESA	Project Coordinator	All
SP/ESA	Project Management Trainee	All
SP/ESA	Project Manager	All
SP/ESA	Senior Director - Infrastructure and Planning Operations	All
SP/ESA	Senior Manager - Transportation Operation and Const. Planning	All
SP/ESA	Senior Project Manager	All
SP/ESA	Staff Manager - Materials - ESA	All
SP/ESA	Superintendent - ESA	All
SP/ESA	Supervisor - Train Movement	All
Stations	Station Appearance Maintainer	All
Stations	Station Cleaner Chief	All
Stations	Traveling Foreman	All
Stations - Overtime List - Snow Removal	Various	To be included in pool from October 1 through March 31 each year



Alcohol and Substance Abuse

MED-005

Federal and LIRR Drug Panels

PHENCYCLIDINE

FEDERAL

AMPHETAMINES

Amphetamine

Methamphetamine

COCAINE ~~Metabolite~~

MARIJUANA

MDA-ANALOGUES

MDA

MDMA

OPIATES

Codeine

Morphine

OPIATES (SEMI-SYNTHETIC)

Hydrocodone

Hydromorphone

~~Marijuana Metabolite (THCA)~~

~~MDMA~~

~~MDEA~~

~~Opiates~~

~~Morphine~~

~~6-ACETYLMORPHINE (Heroin)~~
Marker)

~~Codeine~~

OXYCODONES

Oxycodone

Oxymorphone

LIRR

AMPHETAMINES

Barbiturates

Benzodiazepines

Amphetamine

Methamphetamine

BARBITURATES

BENZODIAZEPINES

COCAINE

MARIJUANA

METHADONE

MDA-ANALOGUES

MDA

MDMA

OPIATES

Codeine

Morphine

OPIATES (SEMI-SYNTHETIC)

Hydrocodone

March 2018

June 2020



Alcohol and Substance Abuse

MED-005

[Hydromorphone](#)

[Methadone](#)

[6-ACETYLMORPHINE](#)

[Methaqualone](#)

[OXYCODONES](#)

[Opiates](#)

[Oxycodone](#)

[Oxycodone](#)

[Oxymorphone](#)

[Phencyclidine](#)

[PHENCYCLIDINE](#)

[Propoxyphene](#)

[BUPRENORPHINE](#) (element of Suboxone)

[Synthetic marijuana](#)

[Cocaine](#)

[Marijuana](#)

[March 2018](#)

[June 2020](#)



Alcohol and Substance Abuse

MED-005

Federal and LIRR Drug Panels

PHENCYCLIDINE

FEDERAL

AMPHETAMINES

Amphetamine

Methamphetamine

COCAINE ~~Metabolite~~

MARIJUANA

MDA-ANALOGUES

MDA

MDMA

OPIATES

Codeine

Morphine

OPIATES (SEMI-SYNTHETIC)

Hydrocodone

Hydromorphone

~~Marijuana Metabolite (THCA)~~

~~MDMA~~

~~MDEA~~

~~Opiates~~

~~Morphine~~

~~6-ACETYLMORPHINE (Heroin)~~

Marker)

~~Codeine~~

OXYCODONES

Oxycodone

Oxymorphone

LIRR

AMPHETAMINES

Barbiturates

Benzodiazepines

Amphetamine

Methamphetamine

BARBITURATES

BENZODIAZEPINES

COCAINE

MARIJUANA

METHADONE

MDA-ANALOGUES

MDA

MDMA

OPIATES

Codeine

Morphine

OPIATES (SEMI-SYNTHETIC)

Hydrocodone

March 2018

June 2020



Alcohol and Substance Abuse

MED-005

[Hydromorphone](#)

[6-ACETYLMORPHINE](#)

[OXYCODONES](#)

[Oxycodone](#)

[Oxymorphone](#)

[PHENCYCLIDINE](#)

BUPRENORPHINE (element of Suboxone)

[Cocaine](#)

[Marijuana](#)

[Methadone](#)

[Methaqualone](#)

[Opiates](#)

[Oxycodone](#)

[Phencyclidine](#)

[Propoxyphene](#)

[Synthetic marijuana](#)

[March 2018](#)

[June 2020](#)

Corporate Policy & Procedure

ATTENDANCE POLICY FOR MANAGEMENT EMPLOYEES

LEAVE-012

I. PURPOSE

The purpose of this Corporate Policy and Procedure (Policy) is to ensure that the MTA Long Island Rail Road (LIRR) non-represented management employees and those represented employees who receive management benefits under their respective Collective Bargaining Agreements (collectively called Employees) accurately account for their time during their regularly scheduled hours of work- including punching in and out using the Biometric Time and Attendance System (biometric clocks).

Timely attendance at the workplace is a condition of employment for all LIRR employees. Supervisors are responsible for monitoring the attendance of Employees under their supervision and are encouraged to counsel those with poor time and attendance. Supervisors are also responsible for ensuring that accurate record keeping is maintained.

II. SCOPE

This Policy applies to all Employees, as defined in this Policy, non-represented management employees and those represented employees who receive management benefits under their respective CBA.

III. ~~ESSENTIAL FUNCTIONS~~

A. Senior Director Human Resources

~~Administer this Policy.~~

B. Department Heads and Supervisors

~~Ensure compliance with this Policy.~~

IV. DEFINITIONS

A. Corporate Time & Attendance Management System (CTAMS) - An enterprise application ~~which LIRR employees access used~~ to ~~approve their~~ track employees' time and attendance ~~information.~~

B. Workday – An Employee's ~~regular~~ regularly scheduled workday, consisting of at least eight (8) hours.

Corporate Policy & Procedure

ATTENDANCE POLICY FOR MANAGEMENT EMPLOYEES

LEAVE-012

C. **Pay Period** – Each seven (7) day period beginning on Wednesday and ending on Tuesday, during which an Employee works and/or uses paid leave or unpaid leave as applicable.

D. **Supervisor** – Any manager authorized by a Department Head to approve Time Cards.

IV. ESSENTIAL FUNCTIONS

A. Senior Director-Human Resources

1. Administers this Policy.
2. Reviews department developed policies and procedures.

B. Department Heads

1. Ensure compliance with this Policy.
2. Develop and document a departmental procedure on attendance that supports this and related policies.
3. Ensure employees are made aware of this Policy and related departmental procedure.

C. Managers and Supervisors

1. Conduct reconciliation of time clock punches to CTAMS.
2. Consistently apply the Policy and related departmental procedure.
3. Notify corporate payroll of any changes in reporting relationships.

D. Employees

1. Must report to work on time at the proper assigned location and in a condition to perform their duties unless authorized by supervisor.
2. Comply with this Policy.

V. PROCEDURE

Corporate Policy & Procedure

ATTENDANCE POLICY FOR MANAGEMENT EMPLOYEES

LEAVE-012

- A. A.—Employees will be enrolled and must utilize the biometric Touch-ID clocks for time and attendance.
1. Employees must punch in upon arrival to the assigned workplace and punch out at the end of the work day.
 2. Employees working offsite who are unable to punch the Touch-ID clock must record the reason for missing punch(es) as a comment in CTAMS.
 3. Enrolled employees who experience a problem with a Touch-ID clock must notify their supervisor immediately. Your supervisor may accompany you to the clock to assess the issue. If your supervisor is not available, please contact the IT Service Desk at 646-252-8888.
- A.B. Employees must verify and modify, if necessary, their daily hours worked in CTAMS for each Pay Period.
- C. B.—During scheduled relief day work, employees must punch in and out at their designated work location(s). During recalls or emergency call outs, employees will not be required to punch in and out to ensure an expeditious response. However, employees must document their time and attendance in CTAMS utilizing the comments function.
- B.D. By end of the business day each Wednesday following the close of the Pay Period, Employees must approve their Time Cards in CTAMS. The approval of the Employee attests to the accuracy of the time reflected on the Time Card. The approval of the supervisor or next level manager attests to its accuracy to the best of his/her knowledge. Comments must be entered, where applicable, to explain late or missing punches. The number of hours entered in CTAMS (excluding paid for not worked codes) should match punches in the Touch-ID clock.
- C.E. C.—The regular designated workday for Employees within the forty (40) hour Pay Period is a minimum of eight (8) hours per day unless otherwise pre-approved by the Employee's immediate supervisor or next level manager/Department Head. ~~Employees who report to work but who are unable to work at least eight (8) hours in a workday are required to charge sick time, vacation time or other applicable time, such as approved leave under the LIRR Family Medical Leave Act (FMLA) Policy, unless otherwise provided in this Policy.~~
1. 4.—With the Employee's immediate ~~supervisor's~~ supervisor or next level manager/Department Head pre-approval, an Employee ~~who has worked a minimum of six (6) hours in a day~~ from time to time may be permitted ~~on occasion~~ to leave work early or report to work late and be excused from charging such time to sick time or vacation time. Any such reduced workday schedule shall be

Corporate Policy & Procedure

ATTENDANCE POLICY FOR MANAGEMENT EMPLOYEES

LEAVE-012

consistent with the needs of the LIRR. ~~An Employee who has not worked for a minimum of six (6) hours during the day must charge one-half a day for absences up to four (4) hours and a full day for absences greater than four (4) hours, except as provided in Section V. C.2. of this Policy.~~

2. ~~2.~~—If an Employee is required to work unusually long hours, his/her immediate supervisor or next level manager/Department Head may take this into consideration in establishing reasonable hours for a particular workday in the same Pay Period or in the following Pay Period, all in accordance with Corporate Policy and Procedure LEAVE-014 (“Compensatory Time for Management Employees.”). Comments should be entered in CTAMS to explain changes in workday and/or to reconcile punches.

~~D.F.~~ D.—Employees who are unable to report to work for an entire workday are required to charge sick time, vacation time, personal day, compensatory time or approved leave under the LIRR Family Medical Leave Act (FMLA) Policy or other applicable time pursuant to the relevant LIRR policy.

~~E.G.~~ E.—An Employee may not record hours worked at home as hours worked on a Time Card unless the Employee has obtained prior written approval from the Employee’s Department Head, and Senior Director Human Resources ~~Department and respective Department Vice President, if any, and the President.~~ In such a case, a comment must be entered in CTAMS.

~~H. F.~~ Managers will reconcile the Touch-ID clock punches to CTAMS, ensuring that the number of work hours reflected in both timecards matches.

~~F.I.~~ If an Employee has outside employment permitted under the MTA Code of Ethics and applicable LIRR corporate policy and procedures, the hours that the Employee works in such outside employment may not interfere with the Employee’s regularly scheduled hours at the LIRR.

VI. RELATED POLICIES

- EMPL-009 – Dual Employment Policy
- LEAVE-002 - Bereavement Leave Policy for Management Staff
- LEAVE-003 - Family and Medical Leave
- LEAVE-004 - Jury Duty Policy for Non-Represented Employees
- LEAVE-005 - Management Holiday Policy
- LEAVE-007 - Vacation Leave for MPA Employees
- LEAVE-008 - Sick Leave Policy for Management Employees

Corporate Policy & Procedure

ATTENDANCE POLICY FOR MANAGEMENT EMPLOYEES

LEAVE-012

LEAVE-009 - MPA Personal Leave Policy
LEAVE-014 - Compensatory Time for Management Employees
STA-002 - Customer Assistance Program Participation Policy
[MTA All Agency Policy Directive – 11-069 – Biometric Time Reporting](#)
MTA Code of Ethics

VII. FORMS & ATTACHMENTS

Attachment A – Punching In/Out – Using the Biometric Clocks

VIII. REVISION TRACKING

July 2007 – NEW
July 2014 – Scheduled update per CP&P BPM-001 – Issuance of Corporate Policies and Procedures.
Updates made to: include CTAMS for processing time and attendance; change Policy title from Attendance Policy for Management Employees (to be consistent with LEAVE-014 – Timekeeping Policy for certain TCU Titles); and remove obsolete Attachment A – Management Employee Weekly Time Report.
November 2015 – Updated to reflect revised policy title.
April 30, 2019 - This Policy was due for review based on CP&P BPM-001 – Issuance of Corporate Policies and Procedures.
March 2020- [Updated to add new biometric reporting policy and procedure](#)

Punching In/Out – Using the Biometric Clocks

1. Touch the “Clock In-Out” icon on the screen.
 - a. Input employee’s 5-digit LIRR Employee Number.
 - i. If the employee makes an error in entering his/her LIRR Employee Number, He/she can use the Backspace or Clear keys. Backspace will delete the last number entered. Clear will delete all numbers entered.
 - b. Press “Enter”.
2. The employee’s name will appear on the screen along with an indication of which finger(s) to use to clock in/out.

Note: If the employee’s number is entered incorrectly, his/her name will not appear and the clock will read: Rejects: Clock In-Out: Unknown home employee OR the name of another employee will appear. If this occurs, the employee should begin again.
3. The employee will then lay one of the indicated fingers on the sensor for the clock to read. The employee will leave his/her finger on the sensor until the clock indicates biometric verification has succeeded or failed.
 - a. If verification is successful: The clock will read: Accepted: Clock In-Out topped by a green border.
 - b. If the verification is unsuccessful: The clock will read: Biometric verification failed. Do you want to try again? - topped by a yellow border, in this case, the employee should touch the retry icon and repeat the process.
 - i. If the employee cannot successfully clock in/out with the first finger, he/she should attempt to use the alterative finger specified.
 - ii. The employee should ensure that he/she is using the correct finger and that the finger is placed so that the clock can obtain a satisfactory reading.
 - iii. If the biometric verification fails repeatedly, the employee will inform his/her Supervisor or Manager.