

EXECUTIVE SUMMARY

Written in bold italics by ORB Labor Executive Steering Committee members is our response to the Office of Inspector General's report.

INTRODUCTION

Amtrak's Office of Inspector General (OIG) has been evaluating various aspects of Amtrak's Operation RedBlock (ORB) Program for the past several years. The purpose of the evaluation was to perform an in-depth review of the ORB program to determine how well the ORB program was performing in achieving results and meeting goals. We also benchmarked Amtrak's ORB program to similar programs in the Class 1 railroads.

The ORB program concept had its official start at Amtrak in 1987 as a labor-developed, management-supported program to promote the awareness and education of drug and alcohol use in the workplace through union-led volunteer prevention committees. These principles copied the programs already in existence on the Burlington Northern, Union Pacific and CSX railroads. Presently, 90% of the program's efforts are devoted to promoting prevention education, while the other 10% of the time is spent handling concerns through peer interventions.

The ORB department currently consists of six salaried employees — three management and three union positions and reports to the Vice President of Labor Relations. In addition to the ORB program, the staff manages and administers three other distinct programs: (1) The Union Member Assistance Counselor Program (UMAC); (2) The ORB Peer Counselor Program, and (3) The Critical Assistance and Response for Employees Program (CARE). Amtrak's ORB program has an annual budget of approximately \$850,000.

In Labor's response to the Office of Inspector General (OIG) evaluation, we will express our disappointment as to the limited range of their evaluation by exclusion of relevant documents, and published evidence-based Amtrak ORB evaluations by the Social Science community. The OIG report also omits significant ORB data used to determine programs trends, emerging issues, direction, and mission. In doing so, we found the OIG report presents an unbalanced view of the programs facts. The Union response will also identify misleading representations in the OIG report regarding programs activities to more adequately assess the contribution and value of ORB to Amtrak and its union members.

Concerned objections to the OIG report will be discussed in this response as to the unscientific findings and research methodology used by the OIG. The response takes particular note of the overly opinion-based discussion in the OIG report without supporting references, research, or scientific evidence.

Without the use of evaluative models, proper data collection, and accepted social science research methods, a cloudy interpretation of program

effectiveness can occur. The Union response includes additional ORB information that was overlooked, in order to provide a fair and objective appraisal of the direction and strategy used to manage the program's goals.

Included in the OIG report are dramatic program changes that will undoubtedly affect program outcomes. A discussion of the ramifications of these changes will be necessary respective to the program's future ability to mitigate prospected challenges. The recommended OIG changes must reflect an improvement that can be scientifically weighed against their effect on current accomplishments. The Union's are confident that a responsible debate and unprejudiced review of the full discussion laid out in this document will enhance Amtrak's chartered commission to public health and safety as a National Transportation system. In anticipation that everyone desires an effective ORB program, the response will discuss broad areas of concern found in the report, and there implications will be articulated as responses to the following:

- 1. OIG Inaccuracies, omissions and misrepresentation of the facts.***
- 2. Lack of credible qualitative or quantitative evaluative evidence to support the OIG findings.***
- 3. The OIG report does not encompass or discuss the full range of programs and activities describing program benefits or challenges.***
- 4. The OIG report deliberately avoids discussing contributing factors in either a historical or contemporary cultural/political context.***
- 5. The OIG report engages in selective interviewing, benchmarking and reporting without acknowledgement of opposing views or positions.***
- 6 The OIG evaluation posed as an investigation and carelessly tainted the program with suspicion, and uncertainty by ignoring the sensitive nature of the participant's roles, and fostered a lack of transparency in the process.***

FINDINGS

While the ORB program provides a valued service for employees and the company through its employee prevention committees working together on substance-abuse issues, we found it difficult to evaluate the overall effectiveness of the current ORB program. For example, they do not measure themselves against performance goals or develop meaningful reports to allow for the identification of trends and emerging issues. We also found that the program receives only minimal oversight at the corporate level and lacks adequate financial oversight at the committee level. Finally, we found that neither the current organizational structure nor some of the current practices optimally support the long-term rehabilitative interests of the individual employees and the company.

Our report lists seven specific findings and makes fourteen recommendations to improve the overall efficiency and effectiveness of the program. The first and most

important recommendation is for Amtrak Senior Management to determine if they want to continue devoting resources to this program. If so, the program should be managed and held accountable for demonstrating results. Otherwise, Amtrak should consider devoting these resources somewhere else.

Not captured in the OIG findings are two recently published articles (2005, 2006) on Amtrak's Operation RedBlock (ORB) in two separate clinical research journals which offer quantitative evidence of the program's effectiveness. The Amtrak ORB evidence-based findings were presented at a "Peer Symposium" in January, 2008 by the Keynote speaker, representing the US Government. The gathering sponsored by CSX and the FRA, was attended by all the class-one railroads in addition to several unions currently represented on Amtrak's ORB Executive Committee.

Absent in the OIG evaluation are results from drug and alcohol post-accident testing. A key measurement from the FRA data base used to determine prevention programs effectiveness. In their retrospective findings, the last 57 Amtrak derailments and 43 in the line of duty deaths have NOT been attributable to drugs or alcohol. "NO other major railroad comes close to Amtrak's record in post accident testing, Congratulations!" Reported in January, 2008 memo from the FRA's senior manager of drug and alcohol compliance programs.

Also omitted from the OIG report is a list more than 60 quantitative data sets that are used to analyze trends and emerging issues, as well as qualitative data collected regularly from the field.

Labor soundly encourages the ORB organization staff to recognize the need for tighter financial controls however, the OIG report omits from describing:

- 1. How internal procedures trigger accounting flaws.***
- 2. How each Division responds to an accounting discrepancy.***
- 3. The incorporation of revised treasury protocols to avoid future misreporting or improprieties.***

Purpose

The purpose of the evaluation was to perform an in-depth review of the ORB program. We wanted to see how well the ORB program was performing in achieving results and meeting goals. We also wanted to benchmark Amtrak's ORB program to similar programs in other Class 1 railroads.

Methodology

During the evaluation period, we interviewed the ORB staff, Amtrak union and management employees familiar and/or associated with the ORB program and various railroad industry employees involved with similar programs. We attended a two-day ORB introduction and orientation training as well as two Division Peer Prevention Committee Captain's Meetings. We also reviewed program brochures and training materials, statistical records, annual statistics and relevant agreements. We coordinated our on-going observations and findings with the Vice President for Labor Relations and the ORB Director and worked with the Federal Railroad Administration's (FRA) Alcohol and Drug Program to identify their concerns from prior Amtrak Drug and Alcohol (D&A) audit findings. In addition, we maintained a continued dialog with the ORB staff during this period of time to immediately identify areas for improvement, e.g., tracking and reporting meaningful mark-off data, employee referrals, program statistics and program approaches for working with Amtrak's EAP department. Finally, we benchmarked the other Class 1 railroads to see how their ORB and EAP programs were organized and how they functioned.

In this report, we document seven evaluation findings and fourteen recommendations to improve the effectiveness and efficiency of Amtrak's ORB program.

The OIG report benchmarks only one other program in any detail and uses "at best" a technique called snowball sampling: A nonprobability judgmental sampling method (Babbie, E.R, 1994, 7th ed.). This method can be used to find someone with an adverse opinion about a study topic and then asks that person to suggest additional people for interviewing.

The report uses no standard accepted evaluation methods or controls i.e., randomization, longitudinal, cross-sectional studies, qualitative analysis, quantitative analysis, secondary analysis. There were no surveys or focus group studies reported. There was no standardization of questioning or tape recorders used when interviewing the ORB office staff or Union ESC members, to review and assure for accuracy of the information. There was no internal review board to sanction the validity of the evaluation methods.

The OIG benchmarking methods seek out sole-source program information detailing a single program, and selected individuals from that same program. There was no random selection of Amtrak [or any other railroad's]captains, divisional, executive, union or management committee members using standardized questioning to generate scientific qualitative responses.

During the approximate three and one-half year evaluation, the OIG report is limited in their conclusions:

- ***OIG met with the Department Head, VP of Labor Relations twice and with the Director of Amtrak's ORB approximately five times. The***

note taking by the OIG evaluator was never shared or reviewed with the interviewee [office staff] for accuracy.

- *The evaluation does not discuss any of the previously Amtrak specific published evaluations by the following:*
 - *Bacharach, S.B. & Sonnenstuhl, W. J. (1994) Members Assistance Programs in the Workplace, The Role of Labor in the Treatment and Prevention of Substance Abuse, ILR Press, Cornell University*
 - *Bonds, R.R., Bastas E., (1999) A Peer/Professional Team Intervention Approach in the Treatment of Drug and Alcohol Problems in the Workplace, International Union of Railways World Conference on Occupational Health and Safety*
 - *Miller, T., Nelkin, V., Becker, L.R., Crivelli, J., Thomas, B.S., Spicer, R.S. (2002) Peer Care Program: Process Evaluation. Center for Substance Abuse Prevention, Substance Abuse and Mental Health Service Administration, Rockville, Md. [CA#1U1KSP08096]*
 - *Spicer, R.S. & Miller, T.R.(2005) Impact of a Workplace Peer-Focused Substance Abuse Prevention and Early Intervention Program, Alcoholism : Clinical and Experimental Research Journal [Vol29 No 4]*
 - *Miller, T.R. & Zaloshnja, E. & Spicer, R.S.(2006) Effectiveness and Benefit Cost of a Peer Based Workplace Substance Abuse Prevention Coupled with Random Testing. Accident Analysis and Prevention Journal. Elsevier [AAP-1404, 9 pages].*
- *The OIG evaluator was limited in their assessment by attending only one day of the primary two-day training class for the introduction, recruitment, and orientation of ORB volunteers.*
- *The OIG evaluator was limited by attending only two committee meetings, during which time 78 Captains committee meetings, 76 Divisional Steering Committee meetings, and three Chairperson's meetings were held.*
- *During this period over 40 one-day training classes were delivered by the RedBlock office to the field by the Manager of ORB. No one from the OIG office attended training to offer an assessment.*
- *No committee meeting agendas were requested to review divisional activities or presentations from: EAP, Division Management, Unions, other Carrier Representatives [ORB], Community Drug/Alcohol agencies, and State, Local and Federal Government officials.*
- *The OIG met with only two ESC union representatives [of the 14] on the Executive Steering Committee, never disclosing their meeting, comments or discussion in the report.*
- *No references, benchmarking, or interviews are discussed in the report nor were any conducted with; Amtrak unions, Union Pacific railroad, MBCR, AFA, Pilots Association, Cornell University, PIRE, New York City PBA, United Auto Workers Union, Carpenters Union,*

and New York City Transport Workers Union all of which have historical and contemporary experience with Peer Prevention programs that provide substantive data and analysis. No data was cited from any of these organizations in the OIG's evaluation.

BACKGROUND

Operation RedBlock's Start in the Railroad Industry

The Federal Railroad Administration (FRA) commissioned a large study in 1977 to assess the extent of on-the-job drinking in the railroad industry. This study was published in 1979 and was referred to as the Railroad Employee Assistance Project or "REAP" report. It essentially found that problem drinking was more prevalent among the operating personnel (Hours of Service employees) and "...that railroad employees became intoxicated twice as often as their non-railroad working peers."¹ In addition, on-the-job drinking was four times more prevalent than reported, and co-workers and supervisors were extremely reluctant to report on-the-job drinking. Essentially, fellow employees were covering up this drinking behavior so that employees would not be punished by dismissal from their jobs. The study results led to a greater emphasis on railroad Employee Assistance Programs (EAP) to address the substance abuse problem from a rehabilitative approach. Unfortunately, this approach did not specifically address the average railroad employee's lax attitude toward the use of alcohol and drug substances in the workplace.

In November of 1983, the FRA sponsored a national industry conference that created a task force of union and management representatives to explore the on-going problem of employee workplace substance abuse. Two primary needs were identified:

- (a) A method to refer substance-abusing co-workers, so that the focus would shift from punishment to rehabilitation; and,
- (b) A program to improve worker attitudes about substance abuse in the workplace.

Three key elements were identified to address these needs:

- By Pass Agreement: this allowed a self-referral or referral for treatment by a co-worker without the threat of discipline;
- Companion Agreement: this allowed a first offense Rule G violator the opportunity to enter treatment and return to work under probation as an alternative to discipline; and,
- Prevention Committees: this established voluntary worker-based teams to be involved in education and, when necessary, confrontation of co-workers.

The first Operation RedBlock prevention committees were formed on the Union Pacific (UP) and CSX railroads in September and November 1984, respectively.

The term Operation RedBlock is known within the railroad industry as "a worker-conducted, management and labor-supported peer prevention volunteer program, the goal of which is the elimination of substance usage in relation to the railroad workplace."² As

such, ORB programs and services are intended to promote awareness, education and prevention of drug and alcohol (D&A) abuse through union-led volunteer prevention committees.

¹ Stephen Eichler, Clifford M. Goldberg, Louise S. Kier and John P. Allen, Operation:Redblock Case Study, U.S. Department of Transportation Federal Railroad Administration (Institute for Human Resources, Inc. 1988), p.2. ² Ibid.; p. 64.

Although the Department of Transportation CASE study is 20 years old, it represents core philosophical program goals relevant for today. The document is summarized accurately by the following:

CASE Study Summary:

- 1. Operation RedBlock provides options. Under the Operation RedBlock program, if you're best friend drinks before coming to work or drinks while on the job, you have options. No longer do you have to worry about jeopardizing your safety and that of your colleagues by "covering" for your friend. No longer do you have to worry about "turning him in" and causing him to lose his job.***
- 2. Operation RedBlock provides options that simultaneously increase the safety of the railroad industry, the job security of workers with a substance abuse problem, and the likelihood that those troubled workers will receive the professional help they need. Operation RedBlock provides a much-needed alternative to the punitive measures that have been and still are so widely and unsuccessfully used in response to on-the-job substance abuse.***
- 3. Operation: RedBlock works. This peer prevention substance abuse program is effective because it deals with substance abusing employees in a rehabilitative, rather than a punitive, fashion. As noted previously, in the Operation RedBlock program, workers are not punished, they are rehabilitated; workers are not fired, they are confronted confidentially by co-workers.***
- 4. Operation RedBlock is effective because it is worker-owned and worker-run. While it is widely supported by both management and labor, much of its success can be attributed to the fact that it is a worker-driven program, that it uses peer pressure and intervention to change the attitudes of workers about substance use in the workplace, and that it provides an avenue through which troubled workers can receive help rather than punishment.***
- 5. Operation RedBlock is a unique product of the railroad industry. It was developed out of need and will continue to meet the needs of the railroad industry's employees. It is, however, a concept and a program that can and should be translated into the language of any industry, of any business. The stresses of the railroad industry workplace are unique, but the need to develop a humane, successful, and rehabilitative substance abuse program for our nation's workers***

is a national, not an industry-specific need. (Eichler, S. Goldberg, C.M, Kier, E.L., Allen, J.P. 1988)

Operation RedBlock at Amtrak

The ORB program at Amtrak had its unofficial start around 1983 when the Chief Engineer requested that the present ORB Director and another manager from the

Engineering department organize employee workshops to promote drug awareness and encourage the elimination of drugs and alcohol in the workplace. This educational drug awareness effort for only engineering employees continued until January 1987, when the Chase accident³ created a nationwide urgency to focus on D&A use by all railroad employees in the workplace. A Senate hearing in March of that year included testimony from Dan Collins of the United Transportation Union (UTU) about successful Operation RedBlock activities in the workplace. Consequently, Amtrak officially created the position of an ORB Coordinator the next month, who reported to the Employee Assistance Program (EAP) Director. In May of 1987, a joint labor/management meeting was convened by Amtrak to discuss D&A issues in its own workplace. Together, labor and management attendees officially formed the first Amtrak ORB Executive Steering Committee. Amtrak's ORB program was built on the principles that already existed within the Burlington Northern, Union Pacific and CSX railroad programs. The Amtrak program initially employed two labor coordinators who were tasked with recruiting employee volunteers for peer support and intervention activities. An ORB "Mark-Off" policy was established, as well as internal policies and procedures for both department structure and incident based guidance. Employees who "marked off" were contacted by the ORB staff and encouraged to contact EAP for assistance, although it was not mandatory.

Amtrak's ORB program is presently defined as "a labor-developed, company-adopted drug and alcohol prevention and intervention program. The program emphasizes awareness, education, and prevention of drug use through union-led prevention committees."⁴ The program envisions that 90% of the volunteer prevention committee work will be in promoting prevention through education and the other 10% in handling concerns through interventions. There are four basic ORB committees at Amtrak:

- (1) Peer Prevention Committee Teams — consisting of union volunteers at the local day-to-day operating level;
- (2) Peer Prevention Steering Committees (Captains) — consisting of one elected member from each of the Peer Prevention Committee Teams;
- (3) Divisional Steering Committees — consisting of management team members selected by the General Superintendent and union team members selected by the participating union leaders; and,
- (4) Executive Steering Committee — consisting of International Union Representatives and Executive Management Staff Representatives along with

the EAP and ORB Director.

Since 1987, Amtrak's ORB program has reported through a variety of departments - EAP, Safety, Police and Security, and since July 2004 Labor Relations. Historically at Amtrak, the ORB has reported on and off to EAP. Since July 2004, EAP has reported to the Senior Director Health Services in the Human Resources department and ORB has reported to the Vice President Labor Relations. The ORB department today consists of six budgeted employee positions: three management positions — a Director and two Managers, and three union positions — a Labor Coordinator and two Special Duty Assignment employees. Amtrak's ORB program has an annual budget of approximately \$850,000.

³ The January 4, 1987 accident between Amtrak train #94, The Colonial, and three errant Conrail freight locomotives at the Gunpow interlocking, near Chase, Maryland.

⁴ Amtrak Operation RedBlock's introductory and initial training manual.

In search of understanding the judgments regarding the planning and development of program goals we have documented the historical evolution of Operation RedBlock through Union members that participated in those changes. We note how the challenges over time have provided directional changes that have enhanced the program's growth answering the concerns and need of our members.

The 1983 meeting referenced in the OIG report was attended by several Amtrak officials including the Chief Engineer of Amtrak, and several Labor Leaders. Hence, the Official start of RedBlock at Amtrak began. Although not identified as RedBlock, the purpose and intent of creating a drug and alcohol prevention program at Amtrak was supported by Amtrak's Vice President of Transportation and the Chief Operating Officer. It was thought at the time to house the [RedBlock] experiment within the engineering department where noticeable drug and alcohol vulnerabilities existed. Also the Chief Engineer had support locally from management and the BMW to undertake progressive initiatives in order to offset the negative impact of drugs and alcohol.

In collaboration with the union General Chairman of the BMW, BRS, and the Engineering Department, a full-time labor position was posted to develop and implement a drug and alcohol prevention program at Amtrak. Joint labor/management interviews were conducted and the current ORB director was selected for the position. Under the guise of similar initiatives in the railroad industry, a program that was labor-run and company adopted began to unveil.

The labor/management D/A workshops conducted day long training classes for every engineering employee throughout every M OF W base in the Amtrak system. The classes were presented similar to RedBlock training sessions. Introductions and support for the program were

conveyed through the General Chairman's, Division Engineer and EAP. The workshops included presentations from: BMW union members, BRS union members, EAP counselors, and Division management. The content of the workshops included: the enabling of a troubled employee, intervention, access to available resources and promotion of a drug and alcohol free workplace. Volunteer Peer Assistance Committees [Pac's] were formed in each area much like the teams we create in RedBlock today.

After a change in leadership at EAP, the current Director of Health Services was promoted to the Director of EAP in 1986. One of the new Director's first directives was to reduce the commitment that was previously enjoyed in the D/A workshops with local EAP counselors. As directed, the EAP counselors would only participate in the workshops at the convenience of the counselor. As a result, the labor/management committee enlisted the support of a Medical Doctor trained in addiction to assist in the presentation as a substitute for EAP. The new EAP Director determined that EAP needed to move away from any emphasis of drug and alcohol problems and become a broad based traditional management-run program with a new focus in other areas i.e. job performance, interference with productivity, financial issues, etc.

Within six months of the change in EAP direction, the tragic Chase, Md. accident occurred. Sixty days later the company entered into RedBlock agreements with the BLE and UTU. Shortly after the signing of RedBlock agreements the current Director of ORB was hired to design the structure, develop policies and procedures, coordinate, and implement a RedBlock program for Amtrak and its Unions. The program was originally housed within the EAP program as part of the HR department.

As the RedBlock training made its way up the east coast, commitment from the BLE and UTU with support from Transportation management began to see some momentum. Shortly afterwards the BRS, ATDA, signed RedBlock agreements; followed by TCU and its affiliates BRC, and ARASA. Before we reached Chicago in the Mid-West, the ASWC, HERE, and BMW [off-corridor] signed RedBlock agreements along with shop crafts TWU, SMWIA, IBB, IBEW, and IBFO.

By 1992 the program had been successfully implemented around the entire system and over 6,500 union and management employees were trained. RedBlock committees formed and the structure took hold. Promotional activities began to sore and interventions were being done regularly with a sense of dignity and without fanfare. ORB was supported from the very top of the corporation and union leadership began to trust the company's sincerity towards the program. Synergy for responsible behaviors and attitudes by both labor and management began to flourish and change.

Amtrak's Board of Directors Union representative seated on the Amtrak Board suggested to the ORB Executive Committee to look into a study that

was being conducted by Cornell University regarding Peer-Based model programs. After a review of their study objectives members of the ORB Executive Committee met with a research team from Cornell University's Industrial Labor Relations department and entered into a grant with the National Institute on Drug Abuse, Amtrak, CSX, and Association of Flight Attendants (AFA). One deliverable in the grant was to publish research findings regarding the subject groups "Peer Assistance/ Members Assistance Programs" from Amtrak, CSX, and AFA. The published bulletin developed propositions that explained the relationship between program concepts. Propositions validated what made each of the programs work as well as identifying challenges on the three union peer assistance run programs. We will note further in Labor's response applicable propositions from the published study relevant to findings and recommendations raised in OIG report.

SUMMARY AND POLICY IMPLICATIONS: (Bacharach, Bamberger, Sonnenstuhl, 1994).

In this bulletin, we have examined the roots of member assistance programs in communal voluntarism. We have also shown how Member Assistance Programs (MAP) can deter substance abuse at work, motivate union members to seek help for their problems, and help recovering workers maintain long term abstinence. We have noted that successful MAP's deter substance abuse in several ways:

- by furthering the union's commitment to protect its members by helping workers save their lives and livelihoods;**
- by providing union members explicit definitions and expectations concerning drinking on and off the job;**
- by viewing referral and long-term follow-up as part of a total approach to substance abuse prevention and deterrence;**
- by challenging traditional occupational or organizational cultures characterized by denial, cover-up, and enabling to transform themselves into cultures characterized by their members' sobriety;**
- by acting as agents of cultural change. Effective MAP's use several approaches to motivate troubled union members to seek help for their problems and to ensure that troubled workers receive high-quality, cost-effective treatment:**
 - They develop trust based on the recognition that MAP peer counselors and workers share common occupational and social identities.**
 - They place a high priority on maintaining confidentiality.**
 - They are broad-based programs helping workers with a wide range of personal problems; however, they also maintain a special sensitivity to the problems of alcohol and other drugs**
 - They provide workers who seek help information about their problems and offer them a variety of treatment alternatives.**
 - They refer workers to the most appropriate services available for treating**

their particular problems.

- *They encourage workers to manage their problems over the long term by using such self-help groups as Alcoholics Anonymous, Narcotics Anonymous, Emotions Anonymous, and Overeaters Anonymous.*
- *They monitor the effectiveness of treatment options and regularly expand the list of treatment programs available to workers. We also noted that effective MAP's use a variety of strategies to help recovering union members maintain long-term abstinence:*
 - *Peer counselors maintain contact with recovering workers while they are in treatment and do not end the relationship for at least several months and often up to a year after they have completed a treatment program.*
 - *Peer counselors take a strong role in follow-up. Especially in the cases of substance abusers, they are proactive and provide support that is both personal and emotional as well as technical and employment-related.*
 - *Peer counselors help recovering workers adjust to going back to work. If necessary, they help them redesign their jobs and overall work environment to ease their reintegration into the workplace.*
 - *Peer counselors do not drop their clients abruptly. Rather, they slowly wean them out of the relationship.*

Additionally, the team of social scientists discovered a significant finding; RedBlock created an "Oasis of Trust" between labor and management. According to Bacharach, et al. (1994 p.39) several peer counselors referred to the program as an "oasis" in what to them was a "desert" of labor-management relations. Yet, under the RedBlock umbrella much could be accomplished when working together for a common cause.

Realizing this, Senior Amtrak management began to recognize the benefits drawn from their genuine participation in RedBlock beyond having a safer workplace. The Chief Operating Officer at Amtrak put his full support behind the program and all its initiatives, and in doing so lead his subordinates to follow suit. The Chief Operating Officer was visible and participated at every RedBlock function. As the keynote speaker at a National Peer Symposium (1993) sponsored by CSX, and attended by all the major railroad carriers the Chief Operating Officer anointed for the first time his "ORB Ten Commandments for Management"

- *Sullivan's Rules read as follows:*

- 1. Know the details of the program and people*
- 2. Know who is committed and who is giving lip service*
- 3. Provide resources—people and dollars*
- 4. Stay involved*
- 5. Listen and act on facts*
- 6. Be patient*

7. *Hands off*
8. *Protect confidentiality and the mark-off process*
9. *Take risks with the organization*
10. *Help progress elements at a doable – rate*

Support for the program from the highest levels of Amtrak management and Labor was tangible and undeniable. The ORB structure working through its quarterly committee meetings and annual national conference solidified the process by routinely exchanging and sharing information between all the principals in labor/management and field employees. Every crew, every backshop, every construction gang, and every office was positively involved in some capacity of worker safety related to Operation RedBlock. Amtrak workers knew exactly who to call or what to do if they identified a troubled co-worker.

The role and responsibility of the co-worker started to evolve. Employees with competent intervention and mentoring skills became noticeable to the ESC as a supplemental force in positively influencing their peers adding to the array of safety related priorities at Amtrak. Operation RedBlock was becoming institutionalized into the culture at Amtrak as the company's primary drug and alcohol prevention effort.

In the midst of this new found cooperation and exciting developments surrounding ORB it became evident that the support from HR was eroding for all the committed tenets to the ORB program. A corporate philosophical divide was occurring over ownership of the program and who and how it should be managed. While in HR, a lack of support for evolving initiatives and reduced funding was the tool used to diminish the value and productivity of the program.

The Chief Operating Officer and Chief Mechanical Officer of Amtrak while recognizing the benefits and achievements of ORB were unable to reconcile the constant lack of funding and support from certain managers in HR. This controversy over support and philosophy of RedBlock's mission was discussed at the annual Executive Steering Committee meeting in 1993. The committee decided to form a joint labor/management panel to determine the most suitable place for RedBlock to be housed, lead and supported.

On the heels of an administrative directive by the EAP Director to release the names of employees that had marked-off RedBlock to HR, a meeting to convene the ESC panel was prompted. Since the beginning of the program a commitment was made to employees that all names and RedBlock mark-offs would be kept confidential. The ORB Director is responsible to Amtrak and its Unions to keep the names confidential. Realizing the necessity to maintain confidentiality and supported by Amtrak's Chief Operating Officer

the ORB Director refused to release the names of employees who had marked-off RedBlock. To this day, the names of employees who have marked-off RedBlock continue to remain confidential.

After deliberation on support issues by the ESC select labor/management committee, it was decided to move ORB out of the HR department in 1994 and re-organize it within the Safety and Environmental Department of Amtrak. The ORB Director was to report to the department head, AVP of Safety & Environmental Control. ORB would remain in the Safety department for the next 10 years until the 2004 ESC meeting. Accordingly, EAP was also moved to Safety but, was not aligned initially with ORB. The two programs operated separately in the Safety Department until they were asked to merge together again in 1997, under the leadership of the current ORB Director.

In 1994 a further enhancement of ORB with encouragement from the FRA, and Executive Steering Committee was the development of the ORB Peer Counselor program. Research evidenced revealed that cultivating the present skills of our members [Amtrak employees] whose involvement was positively countering the negative impact of a drug or alcohol problem was imminent. Additionally, the proper manipulation of existing resources could add efficiencies to the overall drug and alcohol effort at Amtrak, furthering its commitment to public health and safety. Seed money and support from the Executive Administrator of the FRA for the development of a Peer Counselor program was provided to ORB and Amtrak in 1995.

Proposition 3.1: Successful implementation of an MAP requires both the support of the union leadership and the involvement of members at the grassroots level.

Nothing is more indicative of the communal voluntaristic nature of Map's than the way they are initiated. MAP's emerge in reaction to the defined needs of workers. Sometimes the union members identify this need, sometimes the union leadership. We found that MAP's were most successful when both the union leaders and the grassroots members supported them from the start (Bacharach, Bamberger, Sonnenstuhl, 1994).

Proposition 5.1: The more all-encompassing the role of an MAP's peer counselors, the more successful the MAP will be in achieving its objectives.

We found that the role of peer counselors in follow-up varied not only between programs but within them. Thus, peer counselors had a far more expansive role in follow-up in the AFA's EAP than in either of the Operation RedBlock programs. The role varied, however, even within a given MAP. For instance, within Amtrak's Operation RedBlock, the director is attempting to build follow-up into the program (Bacharach, Bamberger, Sonnenstuhl, 1994).

With support financially and emotionally from the FRA, ORB was contracted to develop and implement an ORB Peer Counselor program at Amtrak and submit a replication manual for all class-one railroads. Specialized peer trainers were hired to assist in developing a training curriculum and policy in collaboration with the ORB Executive Steering Committee. After a rigorous selection process, selected union and management candidates attended a five day intensive ORB Peer Counselor training in late 1995. The ORB Peer Counselor program was attended and supported vigorously by Senior Management and Senior Union officials. The training components included: ethical practices, relapse prevention, policy and procedures, identification of addiction, insurance, and referral sources.

The EAP program Director and staff disagreed with the implementation of the program from its inception. Therefore the administration and authority for the program's implementation and continual direction was authorized as the responsibility of the ORB Director. The support for the ORB Peer Counselor program and resistance to its union involvement remains a philosophical disagreement with the current management-run EAP.

In 1997 with both EAP and ORB restructured in the Safety department a merger of the two programs was proposed to Senior Amtrak management and the Executive Steering Committee. The proposal consisted of integrating the two programs under the direction of the current ORB Director. The objective of the merger was to formally and symbolically change the perception of EAP. Under the leadership of ORB the EAP was to reinvent its image and allow it to become more union compatible.

Ninety-five percent of all EAP referrals come from our union members. The perception was then that EAP was a functioning arm of management. This made it difficult for us union leaders to refer members to EAP, unless it was in the aftermath of discipline. In the advent of successful RedBlock interventions, in conjunction with proactive Peer Counselors providing continuing care, it was determined that the addition of a union trusted EAP integrated into RedBlock's mission of helping co-workers would illuminate all the services Amtrak was trying to provide its workforce.

The merger of ORB/EAP was a difficult undertaking due to the history of internal and external relationships. Senior Management and Senior Labor leaders were persistent in the belief that the two programs under RedBlock could help EAP get a lift with voluntary referrals. We agreed, under the RedBlock umbrella the programs would knit together all the complimentary arms of prevention and rehabilitation that the company and unions alike could offer. An intense effort was made to reinvent the image of EAP by hiring new staff that accepted the idea that EAP was to be neutralized in the company structure, neither siding with labor or management. Often times as union representatives we were asked to interview the EAP candidate to get a feel and sense of comfort with them. Under its new name EAP

services, professional counselors would clinically advocate and have a responsibility to the employee who they were helping. The theory behind the policy was that if you were competently and honestly helping the employee you would also be helping the company and the unions alike.

Proposition 3.4: The more committed a MAP is to a non-disciplinary philosophy, the more successful it will be in achieving its potential.

Successful MAP's emphasize their non-disciplinary nature. They underscore that union members never put their jobs at risk when they seek help through the program. As the director of Amtrak's Operation RedBlock stated, "The sole intent of the RedBlock committees is to create and protect an unobstructed pathway to treatment resources by either self-admission or co-worker—induced referral."

EAPs are built around the disciplinary process, which they use as a lever for overcoming the psychodynamics of denial that characterize alcoholism and other addictions (Sonnenstuhl and Trice 1990; Roman 1988). Consequently, no matter how often EAP's tell employees that they won't be punished for seeking help; some will continue to feel that in going to the program they are exposing themselves to disciplinary action. Our findings indicate that it is thus important for MAP's to distinguish them from management-run EAP's (Bacharach, Bamberger & Sonnenstuhl, 1994,).

Indoctrinated by a new EAP strategy, an increased level of collaboration over union members' cases began. In consultation with their respective union representative, EAP treatment strategies came easy for us as labor to support. There was little, if any resistance, from union leaders to "structured EAP treatment strategies" that were found often, not to be to the liking of chronically-ill and resistant clients. With this support and trust, union General Chairpersons stood behind EAP clinical recommendations making it difficult for their members not to comply.

Soon after the merger of ORB/EAP in 1997, and at the request of the General Chairman of the BLE, attention needed to be provided to the "Dysfunctional CARE program". Inconsistencies were prevalent and the CARE policy considered too ambiguous was not being supported or understood. The creation of a CARE re-design team ensued, made up of all the stakeholders in the program at Amtrak. To include: BLE Union reps, transportation management, Central Operations, EAP, and field managers. The policy, procedures and a flow of communication system was re-developed and a new training format was created.

The CARE program was reassigned to be administered by the ORB Program Manger of Peer Services responsible for all the functions of the program. This was important because it provided a gatekeeper to Amtrak transportation and the BLE to address any and all problems encountered by the field, 24 hours a day and seven days a week. Immediate fixes occurred and the new policy was continually reinforced. The involvement

of day to day problems through the program manger consulting with local management and local BLE chairpersons resulted in continued education about program practices. Shortly thereafter the UTU signed Trauma Team Agreements and became part of the Critical Assistance Employee Response team.

Staying within all regulatory and company policies Operation RedBlock, the ORB Peer Counselor program [started in 1994 under ORB], the CARE program [rebuilt at the same time under ORB in 1997] and eventually the UMAC program [started in ORB in 2000] and the new EAP Services worked hand in hand with their labor and management partners to develop a multi-dimensional helping system that left few cracks for an employee who needs help to escape.

Self-voluntary referrals and utilization rates skyrocketed in EAP Services. Accessibility to both peer and professional help was evident. There was a seven to three ratio of volunteer to discipline cases respectively in EAP. In 1998, under the United States Secretary of Health and Human Services the governments Substance Abuse and Mental Health Services Administration offered a research grant to Amtrak and the Unions to study the quantitative effectiveness and return on investment of Amtrak's PeerCare drug and alcohol intervention program.

Three years of research was conducted by independent social scientists from the Pacific Institute for Research and Evaluation (PIRE) using all government protocols including an internal review board (IRB). A rigorous regression analysis model using quantitative data was used to measure the effectiveness of the program and return on investment. Data sources were collected from; FRA injury records, ORB mark-off data, EAP records, drug and alcohol testing results. All records were sanitized to prohibit the identification of employee names or employee indicators under government prescribed protocols.

The executive summary headlined in its conclusions; with time-series analysis, we analyzed the association of monthly injury rates and costs with phased program implementation, controlling for industry injury trend. The combination of the peer-based program and testing was associated with an approximate one-third reduction in injury rate, avoiding an estimated \$48 million in employer costs in 1999. That year, the peer-based program cost the company \$35 and testing cost another \$35 per employee. The program avoided an estimated \$1,850 in employer injury costs per employee in 1999, corresponding to a benefit-cost ratio of 26:1. The findings suggest that peer-based programs buttressed by random testing can be cost-effective in the workplace.

Proactive interventions were on the rise, and a visible positive cultural shift in the attitudes of workers tolerance towards drug and alcohol problems in the workplace were evident. Still, it was reported at the Executive

Committee that creditable concern had been raised regarding the employed chronic users of drugs and alcohol. Although, they were being identified, the helping-systems were having difficulty restoring many of them as a drug and alcohol free, productive member of the workforce. As Union representatives we were experiencing high rates of recidivism for Rule G cases.

After comprehensive research of clinical relapse issues, identification of treatment constraints in the existing system, and contributing factors that lead to relapse among railroad workers, a proposal was submitted to the Executive Steering Committee to effectively deal with an addicted employee who relapses from drugs or alcohol.

Due to the safety sensitive nature of the business, and recognition of the cultures inability to “turn-in a brother”, a blending of both attitudes and responsibilities were sought.

The unions were willing to identify chronic users if they were afforded appropriate help to deal with their problem and the company was willing to provide resources if the employee were to come forward before he/she caused harm or were caught.

In the year 2001 the Union Members Assistance Coordinators [UMAC] program was implemented. Two addiction certified union coordinators were hired to provide the high risk employee relapse prevention training, case management and progress monitoring of enrolled chronically addicted clients. The program has enrolled more than 150 clients in a highly structured relapse prevention program and has assisted more than five-hundred employees with drug and alcohol abuse problems. The relapse prevention program administered by ORB assigned to UMAC is working with over 100 Amtrak employees with an average 2.6 prior in-patient residential treatment episodes. Since separating with EAP many referrals for the UMAC program come from the RedBlock office as multiple mark-off users.

In 2003, authorization from the ESC was provided to RedBlock to intensify the intervention of multiple mark-off users. Thus, change in the intervention protocols to include the “office staff” was authorized by us and implemented. This change allowed ORB to use the Union Assistance Coordinators directly in the intervention process of relapsing employees. UMACs have played a significant role in these interventions. Their experience with relapse prevention and credentialed counseling skills helps to narrow the accessibility to mark-offs and instead encourages users to seek treatment. Their role, as union-liaison coordinator, provides credibility as they interact with the employee’s union. This affords them flexibility and support to initiate strong pro-active interventions with their counterparts in labor, and solicit help from management (including EAP) when needed.

With all the scientific evidence, post-accident testing records, clear local labor/management support, and a new Amtrak Executive Administration, the program began to lose support from senior management. In the face of a standing commitment for the Annual RedBlock Conference for 14 consecutive years, the new President of Amtrak withdrew support for the RedBlock conference in 2004.

Soon after, an Executive Steering Committee meeting was held and a directive from senior management, without Labors approval, split ORB from EAP Services and moved the programs to separate departments. This was the first time in 18 years that the Executive Steering Committee had met and a decision was made without unanimous consent of labor and management. It was concluded at that meeting that joint labor/management collaboration was over. In an attempt to voice the unions' concerns, a letter was collectively written and signed by labor in strong opposition to the decision [see our attached letter to President of Amtrak].

According to management, all joint Labor/ Management efforts at Amtrak were claimed to have ceased and desist at that meeting. ORB moved to Labor Relations and reported to the Vice President of Labor Relations. During the last three years, Amtrak has had two Presidents and one acting-President. In Addition, several members of the Amtrak Board of Directors have also been replaced. The instability in leadership roles has altered priorities and direction at Amtrak. The uncertainty in establishing a corporate culture regarding internal relationships and how they are to interact has fluctuated, as leadership priorities have changed.

During this tenure of changing priorities we are told that the Vice President of Labor Relations has not hampered nor stalled any important elements of the program and has respected and guarded confidentiality throughout. Apart from other conversations with the VP of Labor Relations we can attest to the support given to the program. Although funding and corporate support became shy during this time of transition, the VP of Labor Relations has protected the core principle elements of the program from eroding. We were all left with the strategy to reinforce local committees and maintain local support where it is unimpeded by corporate changes and other corporate goals. Despite the lack of overall corporate attention for RedBlock, the program continued to prosper in fundamental ways. The insistence of local RedBlock team members guided by personal beliefs has resulted in a continued commitment to a drug and alcohol free workplace through education, prevention and intervention.

Comparatively, past successes of the program have been measured against unilateral support for the program's mission. Although erosion of corporate support, and admittedly our own dwindling labor involvement, frustration by other contractual issues, all enhanced by changing priorities a deterioration of leadership is achknwleded. We are fortunate that the

strategy of confining the support for the program locally has allowed the program to persevere during this time. The organizational structural change of RedBlock reporting to Labor Relations may have been the only place it would have been allowed to continue, and still have the ability to relatively grow and mature.

Regardless of the distractions imposed by either labor or management the committees forge ahead. The program's real sustainability can be attributed to local support and the dedication of the hundreds of employees, labor and management alike to the programs purpose. The genuine participation and buy-in continues to foster a culture of change that has brought about all the program's continued accomplishments, in spite of little corporate and union support.

There exists today, a recognized institutional change that has taken place at Amtrak regarding the attitudes and behaviors of everyday workers. A far cry from what we experienced before RedBlock. Unfortunately, we realize it can not be sustained much longer without sincere corporate and union support. The old adage "good habits are hard to apply but easy to break" applies here. ORB has been holding-on, managing the last few years with experienced committed employees needing little emotional support. These employees gratefully do what they believe is right for their workplace. But, without propping back-up those employees, and inspiring younger ones to participate, we are increasing our risk on a daily basis of having a tragic accident due to drugs or alcohol.

All of this raises a serious concern regarding the current status of Amtrak's ability to manage the unique vulnerabilities drug and alcohol problems present in a safety sensitive environment. ORB has identified key measurements, both qualitative and quantitative, reflecting a downward-turn in Amtrak's ability to prevent accidents caused by drugs or alcohol. Labor requests we reach out for proposals submitted by ORB reflecting these trends and the countermeasures needed to offset their negative slide. We should examine and address ORB's concerns and work in the common interest of both labor and management to correct them.

Benchmarking: Operation RedBlock at Other Railroads

There are a number of other ORB programs and/or similarly positioned efforts in the railroad industry that provide a service similar to that provided by Operation RedBlock at Amtrak (See Appendix 1A). In the railroad industry, the FRA told us that the CSX program is generally acknowledged to be the most effective ORB program currently in operation. We visited CSX and learned about their program. This program is essentially union operated on a day-to-day basis by two union employee System Coordinators. They track and record the daily ORB mark-offs, provide appropriate ORB training, facilitate employee interventions and assist local captains with EAP referrals.

Employee ORB mark-offs are capped at no more than three, at which time, after a third ORB mark-off, the employee is automatically referred to EAP by his/her General Chairman and the System Coordinator. The ORB mark-off data is reported weekly, monthly and quarterly to designated union employees and managers, with an annual system report distributed to Divisional Local Captain Committees. The data is tracked and reported monthly, and then presented annually. This enables local Captains to understand mark-off root cause trends and themes, The CSX program is singularly focused on employee identification and intervention efforts involving drug and alcohol use in the workplace. Any and all employee counseling is the responsibility of the company's EAP department.

The OIG report fails to research other program models comparable to Amtrak's ORB. As importantly, the OIG falls short in explaining the depth and sophistication of Amtrak's ORB in this evaluation. Three major transportation carriers have Operation RedBlock programs. UP, CSX and Amtrak. Several more transportation carriers have similar union run peer prevention and intervention drug and alcohol programs: BN, Flight Attendants Association, Pilots Association, New York City Mass Transit, TWU, Auto Workers of America, to name a few.

Only CSX was used as a non-scientific comparative evaluation by the OIG. UP, which models many of Amtrak's program tenets, including mark-offs, are not discussed in the OIG report. In addition, the FRA has documented statistically that "NO other major railroad comes close to Amtrak's post accident testing rates". The FRA views post accident testing results as the key indicator of effective prevention programs at work in the railroad industry.

The OIG report fails to include any of the statistical post accident/injury data available from the FRA to support Amtrak's peer prevention efforts. Instead it relies on hearsay as to how the FRA quantifies an effective program. In evaluation research using in-depth interviewing models, antidotal and qualitative statements provide context, standardized questions and corroborated sources.

The benchmarking section of this report does not include several important factors regarding the CSX model, i.e., program variables, scope, contributing factors, environmental distinctions, cultural and political differences. Consideration for their implementation on our Amtrak union members of these important program elements and their effect on the adaptability, practicability, or implications are not weighed in the OIG report.

- ***CSX caps their mark-offs at three per year. As a result, there is accepted abuse of the system by CSX coordinators from employees that cannot mark-off for any other reason.***

- ***CSX took 1400 mark-offs last year. That represents [--] times more Amtrak mark-offs in the same calendar year. CSX has approximately the same amount of employees eligible to mark-off as Amtrak. CSX took 35 mark-offs on Christmas Day and 27 on Christmas Eve. Amtrak had a total of 4; for Christmas Day and Christmas Eve combined.***
- ***The report fails to answer how the Amtrak system will be able to operationally absorb 1400 mark-offs a year.***
- ***An intervention at Amtrak is conducted by RedBlock team members with every mark-off at Amtrak. CSX RedBlock team members do not conduct interventions. CSX interventions are passed over to EAP. This produces a co-worker disconnect from the cultural shift needed to be reinforced by co-workers expressing their intolerance for co-worker impairment. Co-worker responsibility as part of conducting the intervention and supporting a drug and alcohol free workplace is fundamental to the intervention process.***
- ***The OIG report does not explain who at CSX the mark-off data is specifically reviewed by and how CSX specifically uses the data.***
- ***CSX only reviews their data with their committees once a year. At Amtrak, mark-off data is confidentially reviewed at each Captains and Divisional committee meeting which is conducted quarterly [4x a yr.]. The data is analyzed for the committees use only in order to manipulate resources to identify “hot spots” and develop specific promotional activities intended to countermeasure trends or emerging issues, thus educating and creating awareness of RedBlock’s procedures and reinforcing the cultural attitudes and behaviors associated with a drug and alcohol free workplace.***

FINDINGS AND RECOMMENDATIONS

I. Lack of Senior Leadership Oversight and ORB Performance Goals

Finding 1: Amtrak’s ORB program receives minimal direction and oversight from Amtrak Senior Management and Union Leadership.

Finding 2: Amtrak’s ORB program has failed to develop adequate performance goals for self-measurement and improvement.

DISCUSSION

Lack of Amtrak Senior Management and Union Leadership Oversight

Federal Regulation 219, Subpart E — Identification of Troubled Employees, Section 401, requires each railroad to adopt, publish and implement policies “...to prevent the use of alcohol and drugs in connection with covered service.” Specifically, each railroad is required to adopt, publish and implement “...A policy designed to encourage and facilitate the identification of those covered employees who abuse alcohol or drugs as a part of a treatable condition and to ensure that such employees are provided the opportunity to obtain counseling or treatment before those problems manifest themselves in detected violations of this part” (Voluntary Referral Policy, Section 219-403) and “...A policy designed to foster employee participation in preventing violations of this subpart and encourage co-worker participation in the direct enforcement of this part” (Co-Worker Report Policy, Section 219-405). Amtrak has published and implemented policies that satisfy these two requirements.

In lieu of these two policies, “... a railroad may adopt, publish and implement, with respect to a particular class or craft of covered employees, an alternate policy or policies having as their purpose the prevention of alcohol or drug use in railroad operations, if such policy or policies have the written concurrence of the recognized representatives of such employees” (Alternate Policies, Section 219.407). Since Amtrak fully complies with the two policies mentioned in the first paragraph, there is no Federal Regulation that requires Amtrak to maintain an Operation RedBlock Program under Section 219-407, Alternate Policies. Thus, the present Amtrak ORB program is not required under the FRA guidelines and simply serves to augment the two required policies stated above.

Despite the lack of a Federal requirement, the ORB program at Amtrak enjoyed strong senior management support from the beginning and through 2003. The Amtrak leadership at that time had openly embraced the program and participated on the ORB Executive Steering Committee (ESC) - the highest final decision making body for handling RedBlock program policy and procedure issues. In addition, the ESC also reviewed progress reports on Operation RedBlock and intervened, when necessary, on Divisional Steering Committee issues. When Amtrak senior management separated the EAP and ORB programs under the one director in July 2004, the ESC union leadership objected. Since then, according to the VP of Labor Relations, union leadership has refused to agree to attend ORB ESC meetings. Thus, neither labor nor management representatives have been actively engaged with the program at the Executive Steering Committee level to provide any meaningful program oversight or guidance since 2004.

Lack of Meaningful Performance Goals

Prior to Fiscal year 2008, there were no published goals for the ORB program. For FY08, the ORB program listed nine “performance goals” and “targets” (See Appendix 2). The nine goals listed are basically activity-based goals. For example, the ORB will focus its efforts to increase training and awareness classes, increase the web site visits or increase ORB referral cases to its Peer Counselors. These activity-based goals do not strive for program self-evaluation, or employee and management feedback. The only goal that possibly could involve self-evaluation is the Goal Statement “Evaluate the effectiveness and performance of prevention and referral activities” with the FY08 target to “Increase by referrals 3% from FY07.” Unfortunately, this one also

falls short in evaluating the overall effectiveness of the effort. The FY08 goals are numbers driven and do not self-measure ORB effectiveness or efficiency. For example, if the purpose of the program is the prevention of drug and alcohol use in the workplace, appropriate goals would seem to include a continued reduction in random positive D&A tests, a reduction in ORB mark-offs, a reduction in identified repeat abusers and a reduction in accidents/injuries related to drug and/or alcohol use.

Amtrak's ORB program's core mission is the identification, education and intervention with employees for the prevention of drug and alcohol use in the workplace. This philosophical mission is continually reinforced in ORB educational and training literature. However, beyond these activity-based goals, we were unable to identify any meaningful ORB yearly goals, metrics and/or objectives for effective self-measurement and program performance.

RECOMMENDATIONS:

1(a) Amtrak Senior Management should decide if they want to continue the ORB program. If so, then:

1(b) Amtrak Senior Management should formally endorse the ORB program and convene the ORB Executive Steering Committee on a regular basis (with or without Union leadership, if they continue to refuse to participate).

1(c) The ORB Executive Steering Committee should provide meaningful oversight of the program and set goals and objectives with which to measure performance of the program.

Confirmed by our last Executive Steering Committee meeting we believe that there is unilateral support from both management and Labor for ORB. Admittedly we have drifted from our collaborative involvement in ORB. Citing the "Youth in the Workplace" program as a recent example on how we would like to support goal setting, goal measuring and future communications.

For example ORB presented: data from drug test results indicate that the age group with the highest positive rates in the company is within the ages of 18 – 26. That age group (in 2002) had more than twice the amount of positive tests results proportionately than any other age group. When the government offered a grant to focus on changing the attitudes of young adults entering into the workplace using drugs, we agreed with ORB and saw this as a great opportunity for Amtrak and our younger union members.

The submission of the grant was done in collaboration with Senior Management and Senior Labor officials. Even though ORB was no longer having Executive Steering Committee meetings, both labor and management collaborated on behalf of the idea. Once contracted, the implementation of the "Youth in the Workplace" program was introduced at

every Captains and Divisional meeting. The introductory employee letter regarding the “Youth in the Workplace Program” was written and signed by five union members of the ESC, which included senior labor representatives from T&E (conductors and engineers), Mechanical, On-Board Services, and Clerks.

We must point out that contrary to the OIG report, a need was recognized through data as a result of an emerging trend, acted upon through senior leadership’s collaboration with the ESC and implemented. The goals of the project are measured by the results of baseline data through surveys of the targeted population. A random selection of employees is bucketed into control groups for training/intervention. Evaluation of the impact of the various controlled groups in conjunction with the level of services/intervention that was provided to each controlled group is measured using approved social science scaled relevant measurements.

- 1. Positive drug tests results**
- 2. Mark-offs between controlled groups**
- 3. Disciplinary actions**
- 4. Attendance records**
- 5. Utilization of health benefits (drug treatment)**
- 6. Injury rates**

The project is completely funded by the government. The beneficiaries from the intervention will be the young adult Amtrak employees who participate in training as union members of all 14 organizations.

Another point we would like to establish is that ORB oversight for Amtrak program is decentralized with respect to each Amtrak division. The committee structure provides for each division to lead, implement and promote program goals. The emphasis of the program is to change or modify old entrenched habits towards the tolerance of drug and alcohol use, causing a cultural shift in attitudes. This is best understood by the committee made up of members who have the parochial knowledge of the environment, its support, its customs, mores’, and nuances. The National office serves the local committees’ and facilitates their specific needs. The needs of each division are determined through a practical system of input, throughput, feedback, and output. Data is shared quarterly with the division to analyze trends and emerging issues for response. Constraints and contributing factors are analyzed and deliberated on through a variety of channels and analytical instruments at a local level.

We agree ORB has, however, lacked in consistent official consultation among many of the union and management leadership since the abandonment of the Executive Steering Committee.

ORB leadership needs to address its responsibility of informed internal communications through its committee structure, and is responsible to

make reports to committee members regularly. In addition to the routine reporting of ORB statistics and relevant information which is reported to each Union and Management member that attends the quarterly Divisional Steering Committee meeting.

Discussion and correspondence regarding RedBlock efforts and initiatives have been inconsistent with senior corporate management. Recent lessons learned in the Youth in the Workplace initiative have benefited from wider corporate exposure. The ORB office needs to strengthen strong lines of communication with Management and Labor members of the ESC. Although ESC members from Management and Labor have always had an open invitation to many RedBlock functions and accepted, inconsistency has occurred since the discontinuation of the ESC meetings.

Measuring Program Goals:

We solicited from the ORB office the data sets it uses to discover and observe trends. We found that Amtrak ORB uses both quantitative and qualitative data to measure its progression and digression from program goals, objectives and overall mission. The data is used for analysis of trends and problematic areas. The response from this analysis is to target resources to areas of identified need. Each year annual overall targeted strategies are implemented in conjunction with the Chairpersons meeting. Through this process goal, analysis, discussion and revision of goals occur.

Sampling of some of qualitative data sets ORB uses in evaluation of mark-offs include:

- ***Mark-off numbers annually***
- ***Mark-off numbers monthly***
- ***Mark-off numbers weekly***
- ***Mark-off numbers for each year retroactive to 1990***
- ***Mark-off frequency by months in each year***
- ***Mark-off frequency by weeks in each year***
- ***Mark-off by each day in a week by calendar year***
- ***Mark-offs by craft***
- ***Mark-offs by Division***
- ***Mark-offs by first time users***
- ***Mark-offs by first time users per year retroactive to 1990***
- ***Multiple use of the mark-offs***
- ***Multiple mark-offs by:***
 - ***Craft***
 - ***Location***
 - ***Date***
- ***Mark-offs by multiple users per year retroactive to 1990***
- ***Percentage of mark-offs by overall employee head counts***

- *Percentage of the ratio of mark-offs by individual crafts and employee headcounts*
- *Mark-off data compared to Rule G data*
- *Rule G data by craft*
- *Rule G data by Division*
- *Testing data [up until 2003]*

Qualitative data ORB collects to use in the evaluation of mark-offs which includes:

- *Antidotal data is provided quarterly by members of the local committees using a standard set of repeated questions to determine utilization, process, experiences, failures, and trends.*
- *Standard follow-up on each Mark-off by labor coordinator.*
- *Comprehensive follow-up by the national office on multiple mark-off users approved by the Executive Steering Committee.*

Measured Evaluation of activities:

- *Number of activities from each Division*
- *Number of activities organized by each Captain*
- *Type of activity by each Captain*
- *Cost of each activity*
- *Targeted audience of each activity*
- *Number of employees attending each activity*
- *Volunteer hours associated with the activity*
- *Type of activity i.e. educational, recruitment, awareness, new hire, social, and fund raising*

Regular assessments of the Peer Counselor program:

- *Routine meetings and correspondence of ongoing activities*
- *Routine reporting from individual Peer Counselors*
- *Regular assessment of Peer Counselor training needs*
- *Bi-monthly assessment of Peer Counselors meeting program goals*

Weekly assessment and monthly measurement reporting of Union Members Assistance program effectiveness:

- *Daily, weekly, monthly contact with clients enrolled in the UMAC program*
- *Assessment of relapse prevention goals of individual clients*
- *Weekly charting and relapse planning of clients enrolled*
- *Pre and post evaluations by clients supervisor*
- *Routine reporting and management relative to program goals*

Comprehensive ORB data collection and analysis of CARE program includes:

- *Data collection of all Critical Incidents*
- *Data collection of Critical Incidents by Division*
- *Data collection of Critical Incidents by State*
- *Data set collection of Contacts made to EAP*
- *Data set collection of Contacts made to Critical Assistance Response Employees*
- *Data set collection of Engineers involved in a Critical Incident*
- *Data set collection of Assistant Engineers involved in a Critical Incident*
- *Data set collection of Conductors involved in a Critical Incident*
- *Data set collection of Assistant Conductors involved in a Critical Incident*
- *Data collection of days marked-off due to a critical incident*
- *Data collection of days marked-off by BLE due to a critical incident*
- *Data collection of days marked-off by UTU due to a critical incident*
- *Data collection of train number*
- *Data collection of incident locations and remarks*

Reporting of critical incidents is provided to the AVP of Transportation weekly and to the Vice President of Labor Relations bi-monthly. Regular reports are also provided to the General Chairman of the BLET and the Vice President of Passenger Conductors of the UTU.

Sampling of elements provided in the ORB bi-monthly report to the Vice President of Labor Relations and local committees:

- *Number of Mark- offs taken per two week period*
- *Referrals made to:*
 - *UMAC*
 - *EAP*
 - *Union*
 - *Peer Counselor*
- *Number of consultations/contacts made with,*
 - *Supervisors*
 - *Co-workers*
 - *Family members*
- *EAP*
- *UMAC*
- *Peer Counselors*
- *Unions*
- *Critical Incident follow-up*
- *Meeting attended: number, location, type*
- *Trainings held: number, location, type*
- *Special projects*
- *UMAC cases*

- **Number of face to face meetings**
- **Number of telephone conferences**
- **Number of meetings attended with client**
- **Number of cases closed**
- **Number of cases opened**
- **Number of drop-out cases and remarks**

The Unions agree with recommendation 1(a) with amendment. 1(a) Senior Management [amended] “along with labor” should decide if they want to continue the ORB program. Any further delay in dealing with this issue could prove costly, and only serves in eroding any possible support and attention to the safety implications that the program is intended to address.

II. ORB Mark-Off Reports Not Timely or Meaningful

Finding 3: Amtrak’s ORB program does not analyze and report meaningful employee RedBlock mark-off data to allow the identification of trends and emerging issues for program follow-up and to focus education and referral efforts.

DISCUSSION:

Shortly after we started our evaluation, the Vice President for Labor Relations began requiring an ORB Bi-Weekly Activity Update (see Appendix 3). This report tracks the number of ORB mark-offs taken during a two-week period, along with the number of referrals, “consultations,” meetings, and training classes. In addition to these basic day-to-day ORB program activities, the report also lists case activity for three other programs that currently fall under the ORB Director. They are: (1) The Union Member Assistance Counselor Program (UMAC); (2) The ORB Peer Counselor Program; and (3) The Critical Assistance and Response for Employees Program (CARE). 5

Prior to this required hi-weekly report, the only formal report issued by the ORB staff was an annual set of statistics that were shared with the Executive Steering Committee at the annual ORB conference, typically held in the early fall of each year. Unfortunately, these statistics referred to the previous calendar year and were used primarily for general discussions with the Executive Steering Committee members. When ORB and EAP were separated as programs under the one Director in July 2004, the annual ORB conference was also discontinued. Instituted in its place was a series of regional ORB meetings held in the fall of each year, which allowed the ORB staff to meet with the various divisional committees to share and discuss the annual statistics. Once again, the data shared and discussed was from the prior year, purely historical in nature and offered no relevant information that could be used to identify mark-off locations and trends, any noted areas of concern, or specific groups of employees who may need follow-up education and/or intervention activities.

We benchmarked to the CSX Railroad's Operation RedBlock program to assess the types of statistics that they track and report. At the invitation of CSX management we attended a Captain's meeting held in the early spring, during which time the year end ORB system statistical report was distributed and discussed. This data tracked and reported employee mark-offs by region, craft location and day of the week. It pinpointed mark-off problem areas and compared prior year numbers for trend analysis. It gave a snapshot of both the mark-off activity and EAP referrals which allowed the attendees to gauge whether the Captains work involving information and education efforts were succeeding. Moreover, the two CSX Labor Coordinators reviewed in depth with the captains the mark-off activities in their respective territories. The CSX's EAP representatives also attended this meeting and participated in addressing all of the Captain's concerns. We were impressed by the meeting's inclusiveness and the sharing of data for informational and educational purposes, all the while maintaining employee confidentiality. In addition to the set of statistical information provided to us by the CSX Labor Coordinators, they also forwarded us copies of the Weekly Layoff Report (kept by the Labor Coordinators), the Weekly Mark-Off Report (provided to the ORB Manager Liaison) and the Crew Management Report, which is used as a check and balance to ensure each ORB Mark-Off is recorded and reported (see Appendixes 4, 5 and 6,).

We also noted in our benchmarking that the CSX railroad separately tracks and reports on their Hours of Service employees' mark-offs. Federal Regulation 219, Subpart E - Identification of Troubled Employees, speaks to the Hours of Service employees within the railroad industry. These employees work positions that are considered "safety sensitive" — Train and Engine employees, signalmen, dispatchers, commercial license drivers and block operators. Under the FRA Random Alcohol and Drug Testing Program, these employees are subject to the random testing program regulations and guidelines. In concert with these FRA regulations and guidelines, the FRA has requested repeatedly that the ORB Director at Amtrak track Hours of Service employees and other RedBlock mark-offs, by craft, location and date. The ORB Director has repeatedly refused this request. The ORB program could easily comply with this FRA request but chooses not to because of the issue of "employee confidentiality." As explained above, the CSX ORB program demonstrates how employee ORB mark-offs can be tracked and reported by craft and location, all the while maintaining employee confidentiality. There is no legitimate reason why Amtrak's ORB program could not provide the same data.

We shared our concerns and the statistical reports we obtained from CSX with Amtrak's VP for Labor Relations and the ORB Director. We urged them to adopt the CSX reporting format so that a detailed picture of real time employee mark-offs by craft and location could be captured and shared with the Captain Committees, the Division Committees and Division management. We also urged the ORB Director to begin to specifically track the Hours of Service employee mark-offs in detail as a response to the FRA's continued requests to Amtrak during their reviews of the company's compliance with FRA's drug and alcohol (D&A) regulations. This would also facilitate Amtrak's ability to self-audit its own program for its compliance with FRA regulation 219, Our suggestions have not been acted upon to date.

⁵ This bi-weekly report is the only timely data provided by the ORB staff on a routine basis. It does not measure any self-developed performance goals and is used solely to identify a bi-weekly flurry of activity

by the various ORB programs. This data is not shared with other Amtrak offices who have a need to know, eg., Health Services, EAP and D&A.

RECOMMENDATIONS

3(a) The ORB Director should develop a bi-weekly and monthly mark-off report by craft, location and day of the week for trend analysis and emerging issues identification.

3(b) The ORB Director should develop similar reports as discussed above that specifically cover hours of service employees.

3(c) The ORB Director should distribute these reports on a bi-weekly, monthly and quarterly basis to Senior Management with the need to know basis.

Below are examples from the ORB office of initiatives, activities and educational efforts inspired, formulated and executed as a direct result from reported trends and information extrapolated from the previously listed data sets and feedback from divisional committee meetings:

Targeted One-day Educational Classes

The implementation of the one-day class grew out of the need to provide a wider range of education on how to access the ORB system and the Rule-G By-pass to specific areas either identified as potential hot-spots having a need or whose population was too small to financially support a traditional two-day class. ORB has held one-day classes in the following locations (several of them multiple times).

***8th Street Yards, Los Angeles, CA
16th St Yards, Chicago, IL
Albany, NY
Albuquerque, NM
Atlanta, GA
Bear Shops, Wilmington, DE
Beech Grove, IN
Boston, MA
Brighton Park Yards, Chicago, IL
Buffalo, NY
Chicago RSO, Chicago, IL***

***Denver, CO
El Paso, TX
Florence, SC
Fort Worth, TX
Harrisburg, PA
Hialeah Yards, Miami, FL
Ivy City, Washington, DC
Jacksonville, FL
Kansas City, MO
Lancaster, PA
Little Rock, AK
Lorton, VA
Milwaukee, WI
New Orleans, LA***

***Niles, MI
Oakland, CA
Philadelphia Call Center, Philadelphia, PA
Portland, OR
Providence, RI
Raleigh, NC
San Antonio, TX
San Jose, CA
Sanford, FL
Seattle, WA
Springfield, MA
St. Louis, MO***

Sunnyside Yards, NY, NY – This project was an intense saturation of information, which lasted several months and was called “Sunnyside Up”

implemented by trained RedBlock team members. It was also implemented in the following locations:

**Union Station, Chicago, IL
Wilmington Shops, Wilmington,
DE**

**Union Station, Washington, DC
WRSO, Riverside, CA**

Management Class

With the in-flux of new management, ORB recognizes the need to educate managers on their role and responsibility within the program.

As a result, a class for Managers was developed by ORB and has been conducted in Beech Grove, Chicago, Los Angeles, New York, Riverside Call Center, Washington State, and Washington, DC.

New Hire Training

The need to introduce newly hired employees to Operation RedBlock procedures is the number one concern to committee members system wide. In most of the larger city locations, ORB volunteers are contacted to speak to graduating new hire classes of Conductors, Block Operators, Ticket Clerks, and Coach Cleaners. The National ORB office speaks to each graduating class of Engineers while at school in WLM and conducts frequent classes for Train Dispatchers at CNOC, who are a critical part of the ORB mark-off process. These efforts to provide consistent education, particularly of hours of service employees, resulted after the inability to get Operation RedBlock mark-off procedures standardized within all new hire class instructions system-wide. This is continually developed through the Divisional Committees.

Other mediums of instructions:

A need to involve local committees and develop new instructional tools was recommended by the ESC and supported by the National ORB office. Two videos were developed: an in-depth educational training film and an emotionally motivating piece written, directed and produced by labor/management that ultimately won a Presidential Achievement Award. Team members continue to utilize these educational tools, as well as others in response to identification of targeted areas that are perceived or evidenced through data as having a higher risk of drug and or alcohol abuses.

Identified Trend Initiatives:

Based on the ORB data collection and analysis, sampling of counter-measurement strategies are implemented and key initiatives are developed to impact the existing trend:

- 1. High call volume: data review was conducted in Western clerical group – team members were notified [labor/management], contributing factors were identified, a corrective strategy was accepted and implemented.**

Measurement: reduction in call volume

2. **High call volume: data review was conducted in one designated Mechanical shop – high number of multiple mark-offs identified, implemented corrective strategy, resulting in changed attitudes of the workforce, increased pressure to seek assistance.**

Measurement: reducing the recidivism rate.

3. **Increased Rule-G numbers in the Northern regions: orchestrated a campaign concerning the issue of “Deadheading” and employee responsibilities on company property. A flyer was developed and awareness teams formed.**

Measurement: reduction of Rule G

4. **An increase in random drug tests showed positive due to adulteration: a nation-wide campaign ensued to educate employees on the consequences of sample adulteration. A flyer was developed and utilized.**

Measurement: reduction in the adulteration of drug tests

5. **Evidence of proportionately high Rule-G numbers from the On-Board service workers population: an “On Board Initiative” was developed with team members and crew base managers. The initiative includes ORB literature specifically designed for the on-board worker; and to ‘ride the rails,’ which was identified as the best way to capture workers full attention within their work environment (on down times) and at turn-around hotels.**

Measurement: the reduction of OBS Rule G

Implemented on the following train sets:

**Train # 97&98,
48&49, 3&4,
21&22, 5&6,
19&20, 7&8.**

- **We find that Amtrak ORB provides the same data to Amtrak ORB committees that CSX provides to their committees. Amtrak does it four times a year whereas CSX does it annually.**
- **We would like to discuss the arrangement between the FRA and HOS mark-off data.**

We feel as Labor that the recommendation that the OIG makes “Reports given to Senior Management on a need to know basis” poses an unnecessary threat to confidentiality. The ESC is composed of every

department head that has an ORB signed agreement. Therefore each Vice-President is privy to the information regarding numbers and problematic areas divulged in the reporting. Therein lies a possible philosophical difference and/or understanding between the OIG and the Unions. Trust is very difficult to build and maintain. Presently, trust of management is not regarded very highly at Amtrak by its Unions.

Confidentiality is the cornerstone of RedBlock success. ORB has been providing mark-off data to each committee for over 15 years. When sharing data with each committee ORB coordinators open with the disclaimer “the information we are about to share is for your eyes and ears only...not to be taken or repeated outside of this meeting.” The respect everyone has shown to the sensitivity of the data has reinforced the importance of confidentiality. Any employee outside of RedBlock to this day, wouldn’t know if ORB had 100 mark-offs or 1,000. Perceptions are reality, and because we (hundreds of committee members) have carefully guarded confidentially for over 15 years, employees have learned to expect that level of integrity in the system and therefore, use it.

IF we as ESC members are active in RedBlock, we are than entrusted to work with the committee as a whole to seek solutions to the problem that has been identified by the statistical data. This collaborative oriented approach has always demonstrated positive outcomes and helped to build trust between labor and management.

III. ORB Financial Controls Not Followed

Finding 4: Operation RedBlock Program’s internal financial controls and procedures are not consistently followed and enforced.

DISCUSSION:

A prior OIG Audit Report, dated March 20, 2003, reviewed the ORB Headquarters Checking Account, This audit was performed at the request of the department head who supervised the ORB program at that time. The current ORB Director was also the Director for the program at that time. The Audit Report found that a number of internal control weaknesses relative to receipts, disbursements, bank reconciliations and procedures existed with the ORB Headquarters checking account. The audit also found that limited documentation existed on file for checks made out to “cash” Recommendations to strengthen internal controls were made and agreed to by the ORB leadership. The first notable recommendation made and concurred with was to “... ensure all documentation needed to explain receipts and disbursements is on file”⁶

In June 2004, the ORB Southwest Division Steering committee requested an audit of the Division ORB Captains Committee checking account. There was a concern that the handling of the checking account by the Treasurer appeared to be for personal gain.

It was subsequently determined that the Treasurer was not consistently attaching receipts with the local ORB activity proposals, as required by ORB policies and procedures. A warning was issued to the Treasurer.

In July 2006, the same ORB Southwest Division Committee requested an internal audit of the same ORB Division Captains Committee checking account to determine if financial procedures were being followed by the Treasurer.⁷ It had come to their attention that the Treasurer statements had not been issued for the January and May 2006 Captains Committee meetings. In October 2006, preliminary audit findings were compiled and reviewed with the ORB Director, the ORB Labor Coordinator, who sits on the Captains Committee, as well as members of the Division Steering Committee,⁸ They were advised by the audit team that the ORB Workbook protocols had not been followed by the Treasurer and the Captains Committee. Also, the Captains Committee had failed to properly notify the Division Steering Committee about these discrepancies. Specifically, during the two-year period of April 2004 to August 2006, the Treasurer was allowed to write 35 checks to herself for “cash” and/or to “Amtrak” totaling some \$9,100. There were numerous charges that were not ORB related or approved for an activity function; items such as groceries, feminine products, make-up, jewelry, gasoline and a

6 OIG Audit Report #115-2002, Operation RedBloek Checking Account. p. 5.

7 Amtrak annually funds the six Division Committees with \$4,400 each for promotions and activities, plus reimbursements for budget items such as meals, lodging and administrative expenses. This totaled approximately \$12,800 for the Southwest Division Committee in calendar year 2006.

8 The Treasurer had not been fully cooperative in providing the requested information and documentation and it was not until December 2006, approximately five months after the request for the initial audit that the full audit findings were finalized for review by the ORB Southwest Division Committee.

couple bottles of alcohol. Further, a review of the Treasurer’s records showed that the ORB checking account had a negative balance during the months of September, October and December 2005, yet the Captains Committee did not alert the Division Steering Committee.

Following this initial review of the partial findings by the Division Committee audit team with the ORB Director in October 2006, the ORB office requested each of their Treasury Officers’ reconcile the accounts for each committee that receives Amtrak distributed funds. As a result, a March 1, 2007 memo of findings and instruction was issued to reinforce the ORB accounting policies and procedures. (See Appendix 7)

The basic themes and findings of abuse and/or non compliance with internal financial policies and procedures reported to the Southwest Division Steering Committee (SWDSC) in December 2006 essentially mirrored the OIG Audit Report findings in March 2003 and the prior SWDSC requested audit in 2004.

During the OIG review of this 2006 incident, a number of disturbing events occurred that questioned the ORB leadership’s approach to handling the issue of misappropriation by an ORB committee officer. First, there was the overall laissez-faire attitude taken by the Captains Committee leadership toward the Treasurer’s actions. Second, the ORB Director was reluctant to acknowledge that a fiduciary

responsibility had been compromised and personal violations had occurred by an ORB committee officer. Third, there was testimony offered by a union General Chairman during the company's investigation of this incident, whereby he attempted to characterize the Treasurer's actions as simply "sloppy bookkeeping." Rather than acknowledge that a wrong had been committed by this Treasurer that would require appropriate action, he offered the excuse that she had somehow been "relieved of any personal responsibility for the checking account overdrafts" by the Captains Committee. This General Chairman is also a member of the same Captains Committee which had failed to provide the required fiscal oversight of the Treasurer's mishandling of the checking account.

RECOMMENDATIONS

4(a) The Vice President for Labor Relations should insure that ORB Headquarters and Division checking accounts are independently audited annually to confirm that the internal controls established for both types of accounts are being consistently followed and enforced.

4(b) When discrepancies are noted, the Vice President for Labor Relations should insure that appropriate administrative personnel actions are initiated,

Shortcomings have occurred by the ORB office and Labor has had discussions with the ORB office as to corrective action that has taken place:

OIG report 115-2002 Section VI Special circumstances

The scope of this audit was limited to the examination of the checking account maintained by the ORB Headquarters. The scope did not include a review of the financial transactions from the ORB divisions. As such, the conclusions and recommendations of this report are limited to the ORB Headquarters checking account and associated internal controls.

It is our understanding that this audit was at the request of the National ORB office on the national checking account to make sure that the new department heads were comfortable with the ORB financial accounting and to seek advice for the maintenance of ORB internal recordkeeping. This account was primarily used for the annual ORB conference. Following the audit, recommendations were made to safe guard accountability and record keeping. During the audit no discrepancies were found and the internal records cross referenced accurately with bank statements.

Separate from the internal IG audit request on the national account but, at the same time the ORB office conducted audits on each divisional account. As a result of the divisional audits ORB became aware that the division treasurers had developed some of their own book keeping methods. In some cases treasurers were keeping receipts separate from the bank statements. In order to have consistency and get each treasurer back on

track with accounting procedures ORB noted the following in their internal audit:

- **The divisional accounts have much more activity and ORB has to monitor the accounts due to ongoing administrative transitions.**
- **Divisional treasurers are subject to re-election every two years and can only hold this position for a maximum of four years.**
- **In past years ORB had an annual meeting with all the Divisional Treasurers at the Annual Conference. Since the discontinuation of the Annual Conference ORB has implemented a new set of protocols to create uniformity in the record keeping.**
- **Quarterly audits are to be preformed with each Division treasurer by the Division Liaison appointed to each committee by the Director of RedBlock. This was in response to the 2003 audit of the national account.**
- **One of the recommendations from the national account audit was to have a universal filing system. Instructions with samples on how to prepare and maintain the filing system and to prepare receipt's were sent to the existing treasurers, and are followed up at each quarterly meeting.**

In reference to the OIG account of the July 2005 audit of local Divisional committee:

At each Divisional meeting a Treasurer's report is distributed to the full committee for questions and final approval of transactions. The Treasurer of this committee was unable to provide a report at the 1st quarterly meeting in the calendar year of 2006. The reasons for not providing the report were personal in nature and the committee excused her accordingly. At the 2nd quarterly meeting an incomplete Treasurer's report was provided without adequate documentation. According to statements from the committee chair via the ORB office the books seemed to be out of order and a mess. At this time the co-chair from labor requested that a financial expert from management who also sits on the committee meet with the treasurer and assist in getting the books in appropriate order.

Despite many cancelled meetings the division financial expert and the Treasurer were never able to meet until the following October. The Director of ORB was in attendance at the meeting in October. It was brought to the Director's attention that a notice had gone out to the Divisional Chairperson that a discrepancy had been found in November 2005 and, as per guidelines, alerted the committee to look into past and future approval items submitted by the Treasurer. After reviewing the Treasurer's account and taking statements from divisional members, the Director of ORB asked the Treasurer to resign their position from RedBlock at the October meeting.

A firm date was selected to meet with the financial division liaison, Chairperson, Co-Chair Labor, Co-Chair Management, and office liaison, with all collected receipts, bank statements and financial records. A meeting was scheduled with the ORB Director and the aforementioned members by conference call. A line item review took place during that meeting to approve or disapprove all expenditures that were cross-referenced from all the financial documents. At the conclusion of the meeting, the Divisional administrators [management and labor] concluded that there was \$1987.33 of un-approved funds expensed by the Treasurer from the Divisional account. The Divisional Treasurer has been terminated with a pending appeal for improprieties of Amtrak funds in the amount of \$3487.19. Apparently at the trial submission of missing receipts, related to the approved and un-approved expensed funds from the ORB account were not obtained.

We have sought out additional recommendations and measures for the ORB office to take into account since the 2006 discovery of misappropriation of funds in a Divisional account.

ORB is to instruct all Treasurers and implement the following:

- In the absence of the annual conference ORB has instituted quarterly audits of all divisional accounts and has begun a national independent audit of all RedBlock accounts annually. This will take place at each yearly regional meeting. As of 1/1/07***
- Although the divisional committee recognized the accounting failures/reporting in their treasury account, the reaction for accountability was too slow. The revised internal system is design to shorten this gap.***
- It is also clear that each division must elect a member to manage their treasury that has the accounting competency skills necessary to maintain the financial records accurately.***

IV. ORB Mark-Off Policy and Referrals

Finding 5: Amtrak's ORB mark-off and referral practices do not actively support the long-term rehabilitative interests of both the individual employee and the company.

DISCUSSION:

Amtrak's ORB mark-off policy allows an employee, if he or she cannot report for duty because of the use of drugs or alcohol, to call the 1-800-44R-BLOC number and mark himself or herself off as "Operation RedBlock" (See Appendix 8 for the ORB

mark-off process).

The ORB headquarters goal is that each employee who marks off under Operation RedBlock will be contacted by a member of a Peer Prevention Committee team. The employee may also be contacted by the ORB Captain from the Peer Prevention Steering Committee and/or an ORB staff member to assess the situation and facts surrounding the RedBlock mark-off. According to the ORB staff; a first time mark-off does not normally require an intervention. ⁹ A second employee mark-off may often lead to an intervention by an ORB captain and/or ORB staff member(s). The purpose is to assess whether the employee appears to be in need of professional counseling services. If warranted, the ORB committee volunteers may perform an intervention whereby it would be recommended that the employee seek professional counseling help. Under the current process, the employee has the option to contact Amtrak's EAP or use the Mental Health Network (MHN). ¹⁰ However, the employee is not required to seek professional help when he or she uses the ORB mark-off privilege and then afterwards is confronted by the ORB volunteers through a local peer intervention.

If the employee contacts EAP, they receive an assessment by a licensed EAP professional and a referral to an appropriate facility to address their health need. Employee confidentiality is maintained by the EAP office and the employee information and file is governed by the provisions of the Health Insurance Portability and Accountability Act (HIPAA). Upon the employee's discharge and release by the inpatient/outpatient facility, EAP is notified that the employee is able to return to work. In turn, EAP notifies Health Services, who arranges with the employee's supervisor for his/her return to work. If the employee has been absent from work in excess of thirty days, a return-to-work physical may be required by the company, which includes a company authorized drug test.

⁹ An intervention is a confrontation by either loved ones or respected peers/friends generally used as a final resort to getting a loved one/peer the help they need, but deny needing. The goal is to help the person actually see themselves in the distorted manner that they have become in life. It is a relentless confrontation with them of their negative actions and behavior by family/friends to get them immediate treatment. (National Intervention Referral, www.nationalinterventionreferral.org/intervention.htm)

¹⁰ Effective January 1, 2008, United Behavioral Health (UBH) is the new provider.

As stated previously, when an employee is "referred" by ORB, the employee has the option to contact a facility within the MHN or Amtrak's EAP. The MHN consists of a network of employee psychiatric and substance abuse treatment services for One's access to required care. If an employee accesses a facility within the MHN, they would receive the requisite care and, if after five days absence from work, they would be placed on either a Leave of Absence (LOA) or a Medical Leave of Absence (MLOA) from work. ¹¹ When the employee is released by the Treatment Facility, they would be eligible to return to work. The Treatment Facility would notify Health Services that the employee is released to return to work and Health Services would in turn advise the employee's supervisor. If the length of time absent from work was equal to or greater than thirty days, the employee may be required to complete a return to duty physical, but

must submit to and pass a drug test.

If the employee accesses care through the MHN, Amtrak's EAP would not have knowledge of the employee's absence from work nor would the employee's supervisor know specifically why the employee was off from work. If the employee successfully or unsuccessfully addressed their substance issue, the company would not have any such knowledge, nor would EAP be aware of any recommended follow-up treatment plan. Under Amtrak's health plan for its agreement covered employees, Amplan, the employee has an unlimited number of self-referrals that he or she can use with the MHN. Thus, an employee could go for years cycling in and out of MHN facilities attempting to deal with substance abuse issues without company knowledge.

During this time, the employee could also continue to use the ORB mark-off policy. While there is no limit to the number of ORB mark-offs an employee can use, the ORB staff does monitor the mark-offs. On average, ORB Mark-Offs for the past five years have averaged around 350 per year, or about one per day. First time mark-offs, on average, have averaged annually about 165 for the same five year period (2002 — 2006). The ORB staff advised the OIG during our evaluation that they will quickly address any employee abuse of this privilege, as there is no employee right to automatically mark-off ORB. If needed, the ORB staff will conduct an intervention with the employee and strongly urge him or her to get the required substance abuse help. If needed, the ORB staff will contact the employee's General Chairman to invoke their assistance in getting the employee to seek professional help. As stated, the employee has the option to contact EAP, MHN or do nothing at all. Absent a Rule C violation or if the By-Pass Agreement has been invoked, the employee is not under any obligation to pursue self-help through the EAP or MHN avenues.

During our benchmarking with other railroads, we found no one consistent model in the railroad industry that addresses employee ORB mark-offs. Out of the seven Class 1 railroad programs, four have an ORB type mark-off policy - CN, CSX, UP and Amtrak, while only one of them requires the use of their EAP when an employee uses the ORB mark-off policy — CSX. The CSX Railroad's RedBlock mark-off policy allows for a

¹¹ An employee who is absent from work less than five work days is required to provide justification for their absence to their supervisor. It may be classified as sick, personal, etc., based on the nature of the absence.

maximum of three employee ORB mark-offs, with each mark-off having a one year period of time before it can be expunged. For a first time mark-off a RedBlock Team Captain immediately contacts the individual and discusses with them the facts surrounding their mark-off and offers whatever assistance that may be necessary. In a second time mark-off the Team Captain contacts the employee, discusses the facts of the mark-off, and the guidelines for the Operation RedBlock program. The employee is told that if a third mark-off happens, the employee will be referred to the EAP counselor in accordance with the Co-Worker By-Pass Agreement. The employee's Local Chairman will also be consulted. In the case of the third time mark-off— the Team Captain contacts the employee and discusses the mark-off. The Team Captain consults with the ORB System Coordinator and the employee's General Chairman. If all agree, the employee is

removed from service and is instructed to contact the EAP counselor within five days per the Co-Worker By-Pass Agreement. The ORB System Coordinator then contacts local management per the Co-Worker By-Pass Agreement.¹² Also, the employee's ORB mark-off privilege is suspended for one year. After one year, the third mark-off is removed and the employee reverts back to a two mark-off status. An employee's ORB mark-off privilege can be rescinded at any time if the ORB System Coordinator has evidence of employee abuse of this privilege.

The Amtrak ORB staff advised that by tracking the number of employee ORB mark-offs, they can best determine the degree of intervention help an employee needs. The ORB Director does not agree with the CSX mark-off policy model that there should be a limit on the number of an employee's ORB mark-offs. He and his staff prefer to deal with each employee mark-off individually and then determine the level of help an employee needs.

The ORB mark-off policy in itself is an employee privilege and not a right. Not all of the ORB programs in the railroad industry automatically have a RedBlock mark-off policy. In the Amtrak model, it is extended to the employee by the ORB staff as part of Amtrak's ORB program. If an intervention is determined as needed for the employee, the ORB staff refers the employee to get additional professional help. If so, then we believe that it is a reasonable requirement that the employee should be required to seek assistance through Amtrak's EAP as a result of having the mark-off privilege. Employees are always free to self-refer themselves to either EAP or MHN, but when the employee uses the RedBlock mark-off privilege, the employee should not be able to decide on their own whether they will or will not get the suggested help.

We believe that it is reasonable that, since the RedBlock mark-off is a privilege provided by the ORB program, any subsequent employee referral by ORB should be to Amtrak's EAP. Also, following an ORB employee intervention, the employee should be required to contact Amtrak's EAP for a professional evaluation and any subsequent required follow-up referral and substance abuse assistance. In this way, Amtrak management is insured that a substance abuse professional is actively involved and

¹² An employee's third mark-off is erased after one year from the date of the mark-off. The employee will then remain at a level of two-mark-offs, in case a future third mark-off is ever needed.

monitoring the progress of the employee. We feel that this is in the best interest of both Amtrak management and the individual employee.

RECOMMENDATIONS

5(a) Amtrak Senior Management should set an appropriate limit to employee RedBlock mark-offs.

5(b) Amtrak Senior Management should require that following an employee intervention, the employee is referred to Amtrak's EAP and in turn required to meet with an EAP counselor,

Labor intently believe's a cap on mark-offs at Amtrak is a bad idea. The objective of the mark-off system is to remove the impaired employee from the property where the impaired employee could cause the most harm, putting the impaired employee in a safe environment and have a trusted co-worker conduct an intervention. The fundamental goal of RedBlock is to change attitudes of tolerance for employees using drugs or alcohol at work.

Changing the entrenched occupational norm from:

- **Hiding the impaired co-worker.**
- **Leave unprotected the co-worker/company from any injury or accident.**
- **Co-worker irresponsibility for the workplace, and company's property.**
- **Ignoring the impaired employee by looking the other way.**

Changing the occupational norm through proactive education, policy and accepted practices within the social order:

- **Education of employees as to the harm an impairment causes the individual co-worker, therefore changing worker attitudes.**
- **Non-punitive policies that is acceptable within the social norm.**
- **Encourage responsibility in the relationships of co-workers and responsibility to the mission of RedBlock, the company, riding public and all of those who may be negatively impacted by the co-worker's impairment.**
- **Apply, when necessary, stringent interventions (includes management) when it comes to worker/company safety.**

The implications of capping a mark-off system needs to address the following:

1. **What do you do with an employee who has had two previous mark-offs and is impaired? Will their co-workers demand that they mark-off knowing that the employee will be taken out of service?**
2. **Will the employee voluntarily mark themselves off a third time even though they had made promises to everyone that they wouldn't do it again? Recognizing that the consequences for marking –off a third time will mean they will be pulled out of service, and forced into treatment?**

If a cap on the mark-off system prevents an employee from voluntarily identifying themselves, will they voluntarily still leave the property? Can Amtrak afford to take the chance in having an impaired employee on the property for any reason, especially when Amtrak has no other ability to identify the impaired worker?

What is the scope/context of this problem (multiple mark-off) and how is the current system dealing with it?

Approximately 40 employees each year have had previous RedBlock mark-offs. With approval of the ESC, a strategy was implemented in 2003 to intensify the intervention on all multiple mark-off users of RedBlock. This strategy includes the use of the UMAC, national office staff, and General Chairman in the intervention. The current ORB strategy minimizes the likelihood of repeated use and accessibility to RedBlock by tenderly coercing/leveraging the user to seek assistance (compassionate but firm).

This strategy has controlled, identified, and restricted the repeated use of the system by multiple mark-off users. It has also helped to increase the awareness of potential mark-off users by intentionally creating “mystery” as to how the intervention will be handled. Because the system reacts to the circumstances surrounding the mark-off, and since we hold all mark-off data, it is unknown how many mark-offs, or how long ago the mark-off occurred, will trigger an intensified intervention and consequence.

For example, because each mark-off is dealt with carefully and methodically, ORB collects as much information regarding the circumstances and specific situation as possible. This can include: past RedBlock mark-offs, speaking with local team members, union reps, even managers that are in the know and trusted to help, all prior to doing an intervention. This approach allows ORB to take into consideration contributing factors that may have led up to an employee becoming impaired when reporting to work or while on duty.

- 1. What made them react so irresponsibly and not ready for work?**
- 2. What is the cause of such poor judgment?**
- 3. If, the drinking was causal, meaning “employee got caught short” and the employee can’t explain that they were unexpected to work; it registers high on RedBlock’s Likert scale.**
- 4. If the employee is using drugs, the intervention is more serious.**

By probing for these answers, the system is expected to react accordingly. Which could very easily mean enlisting the support of their Local or General Chairperson, Manger, EAP, outside provider? All options are left on the table and immediately available to the one who is conducting the intervention. Follow-up on the intervention is conducted by the ORB Labor-Coordinator to assure the appropriate action was taken in review of responses from the intervention.

After the thousands of mark-offs ORB has taken to this day, we suggest that no two are exactly THE SAME. They may have many identifiable similarities, but they are always uniquely different. This attention to the specific needs and circumstances has proven effective in reaffirming trust in the system by first time users. Often if they need to mark-off again, they

know ORB will be keenly attentive to their situation. Measuring against how many accidents have been caused by a drug or alcohol impairment, the program has minimized Amtrak's and the unions risk by proving ORB's current mark-off system to be the most effective.

The internal marketing of ORB's seemingly "ambiguous" intervention methods also causes an employee to think twice about marking –off RedBlock for reasons other than drugs or alcohol. How many of the 35 mark-offs at CSX on Christmas day last year were for actual drug or alcohol impairment?

Labor considers in this environment the referral of an employee to be a delicate situation. As unions we do not either overly endorse or oppose - any supporting resource that can be helpful to our member's situation. If warranted, the unions prefer Amtrak's EAP as a referral of convenient first choice. However, it is entirely dictated by the situation and the feelings of the employee regarding who they trust enough to help them the most. Self-determination is the right and prerogative of the employee, especially one who is a self-volunteer; this should be respected and fostered.

This issue is significant from an ethical, moral, and clinical perspective, as well as from a legal perspective. Client self-determination is an articulated basic ethical principle of social work and psychology. It is an aspect of the concept of privacy, which includes the right to control one's body and the treatment one undergoes. The right to choose among treatments or to reject treatment is inherent in the doctrine of informed consent. Because of the fiduciary nature of the clinical care relationship, a clinician has no right to coerce a client or patient or to exert undue pressure on him or her, even "for his own good." A legally competent person who has not been committed by court cannot be forced to accept clinical services, even if it is clear that he or she needs care badly and the resistance to treatment is most likely a product of the illness[Pratt v Davis, 79 NE 562 (1906)], (Nye, S.G., 2000).

We understood that when ORB and EAP were merged under one supervisor (1997 -2004), the same approach was taken. Employees know that EAP is a management program, and some employees have very strong feelings about management knowing their business. As a result, it has always been suggested to employees that they can talk to EAP, but it has never been mandated.

Mandating that an employee see a management EAP counselor as a result a mark-off can prove counter productive to the intervention process.

- 1. What if the employee refused to go to EAP?**
- 2. Would they be taken out of service or prohibited from marking –off again?**

Why does peer assistance work? The main reason most people seek help from a professional is not because they have a "problem" that has become insurmountable, but because the social supports, in their social milieu, are no longer accessible or willing to provide the needed assistance.

The key factor in peer assistance is having the peer take responsibility for the work (peer intervention). At Amtrak, unlike CSX where RedBlock teams conduct the intervention, it establishes to the co-worker, the intervener's commitment to a drug and alcohol free workplace. Their intervention is a key therapeutic component to the mark-off employee. A co-worker will have greater acceptance to the behavior modification suggested by the intervener because it is "peer" legitimizing and supporting the change in behavior.

The intervention also provides the intervener with an opportunity to express their goodwill in helping their work-brother or work-sister. The power in a Captains meeting when a RedBlock team member tells the story of what it was like to help a fellow co-worker, describing their experiences in the intervention is invaluable to the program's success. It becomes a teaching experience for all those involved. These shared experiences further the cause of union-worker involvement, interest, and loyalty to their own workplace. It promotes a positive feeling from the RedBlock team member as to their contribution to the overall health of the Amtrak community.

Mental health data from our managed care provider has reported that only 10% of employees that use their mental health benefits also use EAP, and 85% of all drug and alcohol referrals are working employees. If 90% of users of the Amtrak benefit plan have traditionally avoided using EAP, what would ORB's mandating them to see a company EAP do to our ability to successfully intervene once an impaired employee is identified?

The stigma attached to drugs and alcohol still exists. The negative impact a drug or alcohol impaired employee can have on our member and Amtrak can be catastrophic; many of us have already experienced it. We must do everything to prevent an employee, for whatever reason, from reaching out for help. In this context, it is not who you go to for help, it is that you know you need to go for help and receive help. It would be unethical as well as impracticable to inhibit an employee that chooses to use their contracted benefit plan over an EAP company program. The current system adds a competitive incentive for EAP. This will help to ensure that EAP will strive to provide quality services for our members. In order to gain confidence in EAP so the unions will recommend EAP to their members.

V. Amtrak's ORB and EAP Not Working Together

Finding 6: Amtrak’s ORB program does not actively look to either refer employees to Amtrak’s EAP or involve them when needed for employee professional assistance.

DISCUSSION:

The day-to-day focus of Amtrak’s ORB program is employee drug prevention and intervention through awareness, education and prevention committees. “The program aims to change attitudes, to reduce the tolerance of nonusers to job-related drug and alcohol use, and to encourage users to seek assistance” (emphasis added).¹³

It is ORB policy that after each ORB mark-off, the employee is immediately contacted by a Peer Volunteer, Team Captain and/or ORB staff to determine personally the facts surrounding the employee mark-off. This personal contact is to assess whether the employee appears to have a substance abuse problem or if they simply made a poor personal choice to use drugs and/or alcohol before they reported to work. If it is determined that an intervention is required, the employee is afterwards referred to an EAP counselor or advised to seek help through MHN. Again, there is no mandated rule or internal requirement that the employee must seek help. ¹⁴

While we did not personally inspect the ORB employee files or the mark-off database for follow-up referral data, we did review several ORB Activity Update Reports. We reviewed the reports for the two periods, October 6, 2005 to July 12, 2006 and September 21, 2006 to February 7, 2007. Under the section “Mark-off and Other Referrals,” it was reported by the ORB that their referrals to EAP were 48 and 25, respectively for those periods of time. The ORB staff advised that these referrals to EAP would represent only those personally made by the ORB Staff. However, a review of the EAP Year-to-date Reports for the same periods of time showed only 1 and 0 referrals received by EAP from ORB. This disparity in reporting statistics could not be explained by either party. ¹⁵ EAP did advise that for FY’s 2005 and 2006, their new open cases decreased nationally by 148. This decrease in EAP activity contrasts with the number of ORB mark-offs, which have remained relatively the same at 350 per year during the past five years. Furthermore, the FRA stated that Amtrak’s Hours of Service employee self-referrals are the lowest for the Class 1 railroads in the industry.¹⁶

We reviewed the above referral data findings directly with both the ORB Director and the EAP Manager. Neither the ORB Director nor the EAP Manager could explain

¹³ Operation RedBlock Program definition, <http://intranet.nrpc/employees/redblock/default.htm>

¹⁴ A mandated EAP referral is only required in cases where a Rule G violation has occurred or the Companion Agreement has been evoked.

¹⁵ To avoid the possibility that an employee referred by ORB to EAP was not accurately recorded, EAP revised their Intake Form to specifically ask an employee the “Type of Referral” and instituted an EAP Client Survey to determine “Who referred you to the EAP.” See Appendices 9 and 10 respectively.

¹⁶ Interview with the FRA’s Alcohol and Drug Program Manager.

the difference in data, but offered several possible explanations. ORB stated that the difference in numbers could be that the employee referred to EAP by them failed to tell

EAP that ORB had suggested that they contact the EAP office, The EAP explained that the counselor may not have asked if the employee had been referred to them by ORB. Regardless, the large difference in data reported illustrates not only the lack of proper data collection and tracking by either program, but also the acknowledgment by ORB that they are not actively endorsing Amtrak's EAP or looking to use them as a professional source for employee counseling and assistance. Interviews with the ORB Director and Staff confirmed that the ORB program did not actively endorse the use of Amtrak's EAP after the ORB program was separated from the EAP program in July 2004. The prevailing theme heard during our review and echoed through our interviews, was that the Amtrak EAP was not the referral choice of the ORB program.

The FRA's most recent Amtrak D&A audit review findings, dated September 14, 2006, addressed the same topic of concern in the "IDENTIFICATION OF TROUBLED EMPLOYEES," page 30: "FRA remains concerned that Amtrak's fractured RedBlock program is adversely affecting the effectiveness of these required programs. ¹⁷ The apparent confusion between the borders of the three programs appears to be contributing to the low utilization of all three programs." In this report's Executive Summary, the FRA highlighted its major areas of concerns with Amtrak as "pre-employment testing, field documentation, **RedBlock referrals**, and policy structure and distribution" (emphasis added), The FRA concluded in this section with the following: "It is the FRA's opinion that the apparent internal fracturing of the Amtrak Operation RedBlock program continues to adversely affect the effectiveness of this valuable component. Additionally, FRA remains very concerned that employees utilizing this component may not be receiving adequate EAP/SAP assistance."¹⁸

We facilitated several meetings between the ORB Director and the EAP Manager during this evaluation period. The meetings were intended to lay the groundwork for a respective understanding of each program's duties and responsibilities. The ORB operates as an employee identification and education program for the elimination of drugs and alcohol use in the workplace. The ORB program is essentially the "eyes and ears" for day-to-day workplace observations of employee drug and alcohol use and/or abuse. In turn, EAP is staffed by trained and certified Substance Abuse Professionals with Master Level Social Worker or Mental Health Counselor degrees, who have the responsibility to professionally assist employees with their drug and alcohol issues. Since part of the ORB program's basic mission is to "encourage users to seek assistance," it is reasonable to conclude that one of their goals should be to support EAP by convincing employees to use EAP professional services for their workplace and/or personal issues.

¹⁷ The two policies referenced by the FRA are the required Voluntary Referral and Co-Worker Report policies (Section 219.403 and 219.405, respectively). Since Amtrak's ORB program is not a required program under the FRA CFR 219 guidelines, it is considered an alternate program and the ORB Mark-Off policy does not fall under any specific FRA guidelines.

¹⁸ SAP refers to Substance Abuse Professional.

We encouraged the ORB Staff to interact professionally with EAP by inviting them to Captain's Committee meetings, ORB training sessions and the Quarterly or Annual Division Meetings. The ORB program needs to be an active partner with EAP

when it comes to employee referrals for employee drug and alcohol counseling as well as the subject matter expertise provided by EAP professionals.

RECOMMENDATION

6(a) The ORB director should meet regularly with EAP to coordinate efforts and involve EAP in ORB training and educational activities.

The Amtrak DRO needs to explain to the Executive Steering Committee their concern from the FRA over RedBlock referrals.

The OIG needs to explain to the union members of the ESC what “fractured RedBlock program” means? The only possible explanation we have heard is that the FRA does not see the same management support for the Amtrak ORB program as they have had in the past or as it exists currently with CSX”.

Referenced in the OIG discussion is the association with a troubled employee. According to the rulemaking in the Department of Transportation (1992) handbook regarding the Omnibus Transportation Employee Testing Act of 1991:

Relationship to Existing Industry Programs

Following publication of the final rule on Certification of Locomotive Engineers (49 CFR Part 240; 56 FR 28228, June 19, 1991), FRA received several inquiries regarding the effect of provisions of that rule with respect to implementation of voluntary alcohol/drug prevention programs with voluntary “mark-off” procedures, such as Operation Red Block, the rail peer prevention program. The question was whether, on railroads that permit either pre-duty or on-duty mark-offs without discipline, an engineer utilizing this procedure would be required to be handled under the mandatory certificate revocation procedures requiring a 9-month revocation period where a single violation of § 219.101 (on-duty use, possession, or impairment; BAC of .04 or greater) is established. FRA has responded to these inquiries indicating that the mark-off, by itself, does not give rise to actual knowledge on the part of the railroad that a violation has, in fact, occurred; and the railroad would not violate its duty to prevent violations by permitting the mark-off to go forward under established procedures. The reason for this position is that programs which attack co-worker tolerance of on-duty use of alcohol or drugs advance safety and add to the array of prevention techniques at work on the railroad.

The current regulatory proposals would adopt the same philosophy and approach. The objective of these programs is to enlist co-workers to apply pressure on a substance abuser to mark-off and seek assistance with his or her problem, thereby increasing the overall deterrent effect of anti-

drinking policies. In this way the entire workforce takes responsibility for compliance. This collective responsibility is particularly valuable in work settings where supervisors are seldom present (as with many railroad assignments).

Most voluntary mark-offs should occur quietly, without fanfare, as if the employee had simply become ill. Abuses are limited by intervention on the part of employee prevention committees, which emphasize the unacceptability of the behavior and refer the troubled worker to the employee assistance program, as appropriate. (DOT rulemaking, 1992)

ORB has strong professional ties to EAP, and the unions would like to have EAP become the most successful resource for our union members. In fairness to the cultural disconnect with EAP, since the change back to a traditional management-run EAP, the unions have been “left in the dark” due to EAP’s reluctance to include the unions in policy development, case collaboration and hiring. The current EAP has not been forthcoming regarding the development of changes to their policies nor have they communicated the reasons for these changes. This lack of transparency with policy matters by EAP has negatively worn on the union participants of RedBlock and has caused many to withdraw from endorsing and promoting Amtrak’s EAP. This issue is historical and has been thoroughly documented in literature reviews due to the difficulty any “management-run EAP” has, because it is often viewed as “management “.

The EAP is frequently seen as a device of the Personnel Department for the purpose of reducing costs and/or facilitating compliance with progressive disciplinary action procedures. This is true, even when the program is a function of the organization’s medical department. Consequently, the management EAP is likely to be used by unions only as a last resort to circumvent disciplinary action against union members. This is not to say that all management programs are eschewed by union members, but establishing any level of trust may take years to achieve (Scanlon, 1991, pp. 118-119). The EAP concept is hollow unless labor is a willing participant (Bickerton, 1990, p. 38).

Once a management-sponsored EAP is established, it is not likely to be later developed into a true labor-management program. Unless the union is invited to participate in the development of policies, procedures, and program implementation at the onset, the EAP still will be viewed as a management program with all of its limitations (Scanlon, 1991, p. 119).

A problem surrounding the issue of joint programs may lie in the different philosophies. Management programs seem to embrace the broad brush concept of assistance. Unions are divided along those lines. Some unions want to remain traditional in the assistance field. This flies in the face of their past where they provided a myriad of services to their members. They want to limit themselves to substance abuse alone. Bickerton (1990)

reports that Leo Perlis was not a champion of broad brush programs. Perlis believed that a broad brush approach was diversionary and was not as scientific as a contemporary union program dealing strictly with alcohol. He may have been in fear of assistance programs losing focus on the alcohol problems of the workers. He did not want to see alcohol programs become broad brush to the point where they would attempt to cover so many issues that they would not be effective (Bickerton, 1990, p. 40).

On the railroad, Operation RedBlock is still focusing on chemical dependency. This was not the view of an earlier labor picture regarding assisting their membership. Bamberger & Sonnenstuhl (1995) report several major unions as providers of help other than substance abuse. Their citation indicates the Teamsters, the International Ladies Garment Workers, and the United Mine Workers provided their members with psychiatric services. In the 1940s a variety of mental health services, along with substance abuse services, were made available to union members (Ferguson & Fersing, 1965). Bacharach, et al. (1994) say the flight attendants programs began dealing with substance abuse issues and broadened the scope of the programs to handle more issues, such as mental health.

The PeerCare teams often encounter situations that require outside intervention. The system was designed to recognize limitations of this nature. Most team members do not hesitate to ask for help. Of the PeerCare team captains surveyed, 61.2% reported that their teams provide referrals to outside ministers, and another 38.8% indicated team referrals to an in-house chaplaincy program. Although referrals to Peer Counselors, the EAP, and other captains remained an option, it appeared these options were exercised only in a minority of cases. For instance in early 2000, 75.8% of the respondents stated that they referred 15% or less of their caseload to the EAP, suggesting either that the prevention arm of the program worked well, or that the respondents did not trust the EAP and instead went directly to managed care. It also suggests that many mark-off episodes were resolved overnight or before a referral became necessary (Miller, et al, 2002)

We suggest that the decline of voluntary referrals is contributed by EAP's problem of policy and communication. For example, a recent lack of support for the ORB By-Pass agreement has diminished any possible trust in EAP or chance of reconciliation with most unions who would support Amtrak's EAP in that region. EAP's policy decision in that case to not readily assist a troubled worker, while pending a "trial", disenfranchised the slightly skeptic employee even more. Confidentiality of the program has been called into question by the unions. Also, natural suspicion of where EAP is organizationally located, alongside the drug testing group

has been a persistent problem for EAP, which it refuses to address or discuss with the unions.

Confidentiality is an essential factor in any counseling program, but its importance is even greater in an employee assistance setting. Trust is the basis of any counseling relationship; indeed, without it, the purpose of the relationship is lost. The purpose of EAP's is to enhance employee functioning for the mutual benefit of employer and employee. There is, however, an inherent conflict of interest and lack of trust between workers and employers that must be set aside if employee assistance is to work; without confidentiality, there can be no employee assistance (Nye, S.G., 2000).

The problem with EAP at Amtrak is systemic and in all likelihood will remain that way. Unfortunately, except for the period of time when it reported to RedBlock, EAP is viewed as a functioning arm of Amtrak's discipline policies. Categorized as tool of management, EAP has shown little or no incentive for employees to come forward and volunteer their most dire secrets, fearful that someday it will only be used against them. Regardless of the professionalism of the staff, to overcome inherent employee mistrust in EAP is an unachievable goal... Most of our members will almost always choose a less threatening option. The best course of action at this time is to consider contracting out EAP to an outside vendor and eliminate all of the inherent trust issues surrounding who owns the employees records and files.

Proposition 3.6: MAPs are more successful in achieving their potential when locally based peers serve as the counselors.

MAP's operate entirely differently. In all three programs we examined, the MAP's activities centered on the teams of volunteer peer counselors at the local work units (regardless of whether these units were moving or stationary). By focusing on the local level and by providing local teams with a high degree of autonomy, all three programs maximize their access to unit- and occupation-based subcultures and peer networks. It is the access to these subcultures and social networks that is so critical in gaining the trust of union members and in ensuring that workers refer their troubled colleagues to the MAP (Bacharach, et al. 1994)

A recent issue (2/08) in the EAP Connection, an Association of Flight Attendants-CWA, AFL-CIO newsletter, promotes reasons for a Peer Based EAP.

**Why AFA Offers a Peer Based EAP
Even When their Employer Offers a Company EAP**

- *Flight attendants have unpredictable and ever changing schedules.*
- *They work in multiple and even moving locations.*
- *They perform their duties with no or minimal supervision.*

- *They have little or no in-person communication with a supervisory structure for long periods of time.*
- *Company sponsored EAP's rely on supervisory observations and referrals as the primary method of identifying and intervening with troubled employees.*
- *This model is impractical for flight attendants and the way they work (as described above).*
- *Flight attendants spend their working and layover time with other flight attendants. They have developed a culture of social support within their own peer group.*
- *A peer-based EAP is a natural extension of an existing support process.*
- *Peers have a greater opportunity for observing flight attendants behaviors.*
- *They work in an occupation defined by the Department of Transportation (DOT) "safety sensitive" and in a highly stressful environment. Their exposure to work related traumatic events both on and off the plane is significant.*
- *Exposure to trauma as first responders places flight attendants in an "at risk" group for depression, anxiety (including PTSD), and substance abuse.*
- *Early identification of and intervention with troubled flight attendants can positively impact public safety, and clinical outcomes, health claim costs, employee/union retention.*
- *A flight attendant may be hesitant to use her/his company EAP for a number of reasons. Some of those reasons may include concerns about confidentiality, little or no understanding of services offered by the company EAP and perception among flight attendants that the company EAP is synonymous with "the company."*
- *AFA flight attendants and their employing company can benefit from early identification and intervention.*

VI. ORB Programs and Railroad Best Practices

Finding 7: The Amtrak UMAC, Peer Counselor and CARE Programs are not organizationally aligned to provide the appropriate resources and support to employees.

DISCUSSION:

Amtrak's ORB Program's self-definition on the Amtrak intranet website states: "Operation RedBlock is a labor-developed; company-adopted drug prevention and intervention program. The program emphasizes awareness, education, and prevention committees. The program aims to change attitudes, to reduce the tolerance of nonusers to

job-related drug and alcohol use, and to encourage users to seek assistance.”

However, Amtrak’s ORB program has strayed from its self-developed mission statement which essentially adopts the same language used in the ORB type programs a found in the railroad industry. As previously outlined in this report, there are also three other programs that are currently being managed by the Amtrak ORB Director and staff, which go beyond the basic awareness and education efforts of comparable ORB programs. The UMAC and Peer Counseling programs are actual counseling Services provided to employees while the CARE Program is a critical incident identification and referral program that is associated with EAP.

The UMAC (Union Member Assistance Co-Ordinator) Program began in April 2001 and is staffed by two UMAC counselors, who are certified substance abuse counselors. They are both union employees on special duty assignment, who are located in the EAP office in the REA building in Washington DC and the Philadelphia RedBlock office respectively. They have been the UMAC counselors since the program’s inception and basically work with employees in aftercare situations. They provide a source of support to employees who are returning back to the workplace from treatment during their early and middle stages of recovery. The employee signs a one-year “treatment” contract and pledges to remain drug and/or alcohol free during that time while maintaining weekly and monthly contact with the UMAC counselor. The two UMAC counselors have worked with over 100 employees through the past six years and currently have an active case load, of approximately twenty employees.

The Peer Counseling Program was introduced by the ORB program in 1996. It is made up of 29 union and three management employees who assist co-workers in dealing with substance abuse problems in a confidential manner. The peer counselor position is designed to be the first point of contact to an employee in crisis so as to provide information about the support services offered by Amtrak, The goal is to help guide the employee toward the needed treatment network. Similar to the UMAC counselor, the Peer Counselor is also asked to maintain close contact with employees returning from treatment to identify signs of possible relapse. The Peer Counselors receive minimal training - two to three days of introductory psychology and counseling principles. They

are unpaid volunteers located throughout the Amtrak system and are not certified or licensed counselors like the EAP staff. The Peer Counselors primarily engage in “consultations” with employees, where they are a point of contact to discuss concerns and issues with the employee rather than offering any type of professional counseling assistance. These contacts with employees are tracked by ORB and average in total about 125 every six months.

The CARE (Critical Assistance and Response for Employees) Program was implemented at Amtrak in August 2003, The program’s policy is designed to assist employees who are involved in a critical incident where there is serious bodily injury or death of employees, passengers, or trespassers. Traumatic events that are catastrophic in nature, but do not necessarily involve bodily injury or death, may also be considered under the policy, which covers all Amtrak Train and Engine Service employees. Signed

agreements between the company and the United Transportation Union and the Brotherhood of Railroad Engineers outline the notification process and the level of care available to those employees. All critical incidents are reported to the National Operations Center (CNOOC) and the ORB Program Manager Peer Services, who notifies the EAP within two hours of the incident. All critical incidents are followed up by telephone or personal intervention by a Critical Incident Response Team (CIRT) member and/or EAP counselor. An EAP assessment is required for an employee for any incident that involves a fatality, serious injury, or time off from work under the CARE program, CIRT team members are employee volunteers who have received Critical Incident Stress Debriefings (CISD) training that involves unique training features and components to enable the team member to respond to the needs of employees involved in these critical incidents. The training is administered by the International Critical Incident Stress Foundation and typically involves basic intervention and peer support counseling principles. There are two types of training courses: (1) a two-day group crisis intervention training that emphasizes the seven stage debriefing process; and, (2) an additional two-day individual crisis intervention training for one-on-one counseling. Amtrak currently has 154 CIRT trained members. For FY07, EAP received 185 critical incident notifications, which resulted in about 585 employee contacts and 375 debriefings/assessments. EAP referred 63 of these employee contacts to Peer Counselors as a follow-up with the employee. These were situations where the employee did not need professional counseling but instead were provided the name of someone that they could talk to, if needed, on a daily basis for emotional support.

The Benchmark Data we compiled (Appendix 1A) highlights the various ORB-type programs used by the major Class 1 railroads. One constant theme found in our benchmarking was the absence of any other program under the control of that railroads' ORB program. The only exception is Amtrak, which lists three other programs that report to it - (1) The Union Member Assistance Co-Ordinator Program (UMAC); (2) The Peer Counselor Program; and (3) The Critical Assistance and Response for Employees Program (CARE). Compared to the other Class 1 railroads, Amtrak is the only one that attempts to roll in employee counseling and aftercare elements into its day-to-day mission of employee drug and alcohol identification and intervention. Our benchmarking efforts showed that when these types of services existed in the other railroads, they were

managed under EAP or in the case of CARE, under Health Services/Medical Services. None of the other Class 1's had these types of programs managed under their ORB program (see Appendix 1B).

Amtrak's EAP mission "... is to assist employees and their families address problems that may interfere with productivity, job performance, safety, and quality of life. Issues such as grief, trauma, marital/relationship/family problems, stress, depression, alcohol, substance abuse, as well as other emotional/psychological problems, can and do affect job productivity and quality of life. EAP functions include confidential problem assessment, short-term counseling/consultation, referral to appropriate resources, and follow-up services at no cost to the employee or their covered dependent. The Employee Assistance Program works in cooperation with an integrated system of response to employee and workplace needs that includes Operation RedBlock (ORB),

ORB Peer Counselors, and the CARE (Critical Incident Response) Program. The major objectives of the Employee Assistance Program are as follows:

- To assist employees restore and maintain their full capabilities and emotional well being when trying to cope with grief, trauma, marital/relationship/family problems, depression, and other stressors;
- To help maximize safety in all aspects of Amtrak operations;
- To assist in retaining valued employees;
- To reduce the overall incidence of substance abuse in the workplace, toward the ultimate goal of maintaining a drug-and-alcohol-free work environment.”¹⁹

The advantages of having the UMAC, Peer Counseling and CARE programs under EAP and/or Health Services departments is that the counseling performed within these programs will be performed under the supervision of licensed, degreed counseling professionals,

The Department of Transportation (DOT) regulation -- 49 CFR Part 40— defines the Substance Abuse Professional (SAP) “as a person who evaluates employees who have violated DOT drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare.”²⁰ Therefore, the two UMAC counselors are best aligned within the EAP department, If they are to continue to work with employees in aftercare D&A situations,

The same issue applies to The Peer Counselor Program, which consists of Amtrak employee volunteers minimally trained in substance abuse issues, These positions are best positioned within the EAP department, where these volunteers can receive the appropriate and enhanced training from the SAP certified employees in EAP, as well as, an ongoing evaluation on their individual effectiveness.

¹⁹ Amtrak’s EAP Mission Statement and Objectives, Amtrak Intranet website.

²⁰ The Substance Abuse Professional Guidelines, United States Department of Transportation. Office of Drug and Alcohol Policy and Compliance, Revised November 2006, Pages 1-2.

Finally, the CARE program does not have anything to do with Drug and Alcohol issues. There is nothing in the ORB mission statement that aligns with the principles of the CARE program. Since the CARE program works closely with EAP and Health Services already, it makes sense to align them also organizationally within this department.

As mentioned previously, these programs were managed under EAP when EAP and ORB were co-located under one manager. When EAP split from ORB in July 2004, these three programs were retained under ORB. For the advantages discussed above, we feel that they should be realigned under EAP rather than ORB. This will allow EAP to manage all employee counseling programs and allow ORB to return to a singular focus on its mission of employee education and identification for drug and alcohol prevention and intervention. Resources and functions should be placed in the organization where

they can be the most effective for the employees. Amtrak's ORB should not be in the "counseling business" or intervening in EAP issues, as that is best left to practicing licensed substance abuse professionals.

RECOMMENDATIONS:

7(a) Amtrak's ORB program should focus solely on its core mission of employee drug and alcohol education, identification and referral.

7(b) The UMAC and Peer Counselor Programs should be relocated and managed within the Human Resources Department - EAP.

7(c) The CARE Program should be relocated and managed within the Human Resources Department — Health Services.

The continued evolution of the ORB program represents the innovation, creativity, results oriented philosophy of a great American union railroad tradition. The ORB Peer Counseling, UMAC and CARE programs were developed from evidence –based scientific research. The research was used in conjunction with the visionary leadership of Amtrak's corporate management and International labor leaders jointly responsible for answering the needs of its members by enhancing joint labor management programs through collective bargaining. Each one of these programs were proposed, unanimously approved, and supported by Amtrak's ORB Executive Steering Committee.

The ORB Peer Counselor Program is a natural outgrowth of Amtrak's primary prevention effort, Operation RedBlock. The majority of all Peer Counselors have served in some prior capacity with ORB; either as a Captain or Divisional Steering Committee member. The ORB Peer Counselors are members of their local RedBlock team.

As a natural evolution, some caring RedBlock co-workers began to informally provide support to individuals who sought treatment, recognizing the ability to do much more because they are both respected on the job and have the confidence of co-workers. Due to their previous formal participation in RedBlock, they have a clear understanding of the role they are to perform, and use their developed skills in the delicate work of peer intervention, emergency referrals and follow-up.

In contrast to EAPs, which tend to emphasize the roles of supervisors and clinicians in helping troubled workers get treatment, MAP's emphasize the role of peer counselors- union members who volunteer their time to prevent substance abuse and help their co-workers who have substance abuse problems. MAP's are built around the idea of union members helping one another stay sober and "clean" (i.e., drug-free). This is not a new idea. It is the basis of the craft unionism, and the existence of labor- based

programs for assisting members is as old as the labor movement itself (Bacharach, Bamberger & Sonnenstuhl, 1994, p 5).

Although Peer Counseling is recognized today as an effective way to handle a variety of problems, Amtrak's ORB Peer Counseling program is on the cutting edge of Peer Counselor programs as one of the most established and experienced in the United States. The cornerstone of the program is reputable trust joined by existing relationships and policies. Peer Counselors have a unique understanding of the environment in which they operate, and a unique ability to navigate through that environment.

ORB Peer Counselors identify and are familiar with all of the cultural norms, mores', customs and nuances associated within the Amtrak culture. Because they are the union part of the Peer system, they are able to work within the existing constraints of the system and help our members with problems specific to that system. This unique blending and bonding within the cultural system enables them to penetrate barriers that are traditionally impenetrable by any other entity in the culture. The implementation of Amtrak's ORB Peer Counseling program was supported by evidence-based research, published in 1994 by The Department of Industrial Labor Relation, Cornell University, with support from the National Institute of Drug Abuse, and Smithers Institute.

Proposition 3.2: Volunteers in successful MAP's have a strong desire to enhance their co-workers' emotional and mental well-being.

We found that successful MAP teams and committees were composed of individuals who had a profound sense of calling; that is, they felt a deep sense of obligation to aid their co-workers in need. For some, this calling emerged from their own experiences in recovery. For others, it emerged from their sense of responsibility and connection to their community. Indeed, voluntaristic communalism, which the labor movement has often equated with fraternalism and solidarity, is the underlying philosophy of Alcoholics Anonymous and other self-help groups. Thus, as in AA, MAP peer counselors often refer to the "need to give something back" as the underlying reason they volunteer their time to a MAP.

MAP's extend the sense of responsibility workers feel for one another. In the process, they also reinvigorate the attitude among unions that they have an obligation to their members that goes beyond typical bread-and-butter issues. We found that MAP's forced unions, especially those characterized for years by machismo indifference, to redefine their priorities. In the railroad industry, for instance, Operation RedBlock was responsible for pushing the brotherhoods to return to their mutual aid roots. (Bacharach, Bamberger & Sonnenstuhl, 1994,)

The ORB Peer Counselor program relationship with EAP has always been one of cooperation not affiliation through-out its long history. When the ORB and EAP were aligned together, the Peer Counselor program reported to the ORB Program Manager of Peer Services as it does today.

In addition, peers also have important roles to play in helping their coworkers receive substance abuse treatment and maintain long-term abstinence and sobriety. Indeed, as the case of the Association of Flight Attendants Employee Assistance Program illustrates, well-trained peer counselors are instrumental to an effective program. They provide coworkers suffering from substance abuse as well as other personal problems valuable and timely information about their problems and the community resources available for solving their problems. At the same time, they provide co-workers the crucial ingredient for ensuring long-term abstinence and sobriety: ongoing social support both on and off the job (Bacharach, Bamberger & Sonnenstuhl, 1994,).

For an employee in crisis, ORB Peer Counselors are sometimes the first point of contact. In such cases, Peer Counselors provide information about support services and guide the employee toward the correct treatment network. Peer Counselors are available to the employee often when no one else is. They are also more giving of their time than an EAP program to accommodate the situation and the employee.

ORB Peer Counselors maintain close contact with employees returning from treatment, becoming an active part of the continuing care plan and serving as a source of support (in the early stages of recovery). The Peer Counselor helps to identify signs of relapse, providing assistance for recovery both on and off the job. After treatment, ORB Peer Counselors facilitate the transition of employees back into the workplace.

Proposition 3.5: Although they remain committed to a non-disciplinary philosophy, successful MAP's still use job performance as a criterion to identify union members with problems.

Ideally, MAP's attract union members before they become entangled in the disciplinary process. Unfortunately, many workers do not voluntarily seek help for personal problems either because they deny having the problems or because they believe they can manage the problems themselves. Likewise, co-workers may be uncomfortable giving workers who have personal problems unsolicited advice. Job performance provides a legitimate rationale for intervening and encouraging one's co-workers to seek help.

At both CSXT and Amtrak, a procedure for maintaining job performance standards is built into their Operation RedBlock programs. For example, when an individual reports to work under the influence of, or in possession of, alcohol, a co-worker can simply mark the individual off, which automatically protects him from being charged with a Rule G violation and discharged. When the worker is safely off the property, members of the terminal's Operation RedBlock team talk with him to determine whether he needs assistance for an alcohol or drug related problem (Bacharach, Bamberger & Sonnenstuhl, 1994,).

Peer Counselors can provide emergency help for the chemically dependent employee's and also offer continued support for employees returning to work focusing on the role of relapse prevention. Well-trained peer counselors often interact with the Employee Assistance Program (EAP), when appropriate and consensual. It is to the advantage of the client as well as both programs to collaborate with one another for the purpose of collectively developing healthy treatment strategies.

Proposition 43: In successful MAP's, volunteer counselors provide troubled workers with information about their problems and possible treatment alternatives.

In each encounter between a peer counselor and a troubled co-worker, the goal is to increase the co-worker's awareness of his or her problems and potential solutions to them. For instance, when a worker marks off RedBlock, members of the local RedBlock team meet with him to discuss the circumstances surrounding the mark-off and to assess whether the worker needs help (Bacharach, Bamberger & Sonnenstuhl, 1994,).

Proposition 3.8: The greater the similarity between peer counselors and coworkers, the greater the utilization rate.

Another belief of the peer counselors is that program utilization is increased by having a committee whose composition reflects that of the groups they seek to help. Within the Operation RedBlock programs, for instance, team members believe that, when they must confront someone such as a locomotive engineer, it is best to have an Operation RedBlock member from the individual's craft on the team. Similarly, the peer counselors on some AFA EAP committees were concerned that their committees were composed of older, more experienced flight attendants while most of their co-workers were younger and had less seniority. They felt that access to these flight attendants could be maximized only by ensuring that the demographic makeup of the committee at each home base reflected the flight attendant population at that location. Our analysis of the AFA EAP data for 1990 suggests that this concern is well founded. We found that local committees, which were made up predominantly of less senior flight attendants, had higher utilization rates than those predominantly made up of more senior flight attendants ($r = -.51, p < .10$). This may occur for two reasons. First, troubled flight attendants are encouraged to voluntarily seek help from the program by the positive examples provided by committee members whom they perceive to be like themselves. Second, younger peer counselors are part of the same network as younger flight attendants and therefore able to more readily identify those who needed help and encourage them to use the program. These findings suggest that in order for MAP's to be successful, they must recruit peer counselors who reflect the union's basic demographics. Outside of cooperation, consensual collaboration, any such reporting affiliation with a management run EAP program would negatively affect the programs credibility with its Peers. A company's EAP policy and mission

will limit opportunity to effectively work with employees, especially when the EAP would have to adhere to policy which would adversely affect the employee status or ability to re-enter EAP (Bacharach, Bamberger & Sonnenstuhl, 1994.).

Due to these constraints historically, not many EAP counselors have been receptive or cooperative to this process, when the EAP & ORB efforts were combined we have been told that some EAP counselors were hesitant to participate or refer our members to ORB Peer Counselors for follow-up assistance when returning to work. ORB notes that performance evaluations of the EAP staff reveal this resistance and documents the efforts needed for increased EAP involvement with ORB Peer Counselors. There is a threatening competitive component experienced by EAP in the Peer Counselor/ EAP relationship. This needs to be viewed by EAP as healthy for the system, which will stimulate quality services and collaboration for the benefit of the client, our member. If the relationships are not reinforced and managed properly, it can become counterproductive. A non-hierarchical structure has proven to be the most effective way to manage the relationships, and to focus the system on delivering helping services without recognition of credit by source.

“Originally, we would use what we called a co-worker sponsor. He or she was someone who was in recovery and was willing to be there for employees when they came back to work from treatment. Eventually, one of our team captains formed a group of recovering employees called the Employees Recovery Network. They consulted with Amtrak’s EAP but had no affiliation. They would conduct closed group meetings on the property and accompany employees to meetings off the property” (Bacharach, Bamberger, Sonnenstuhl, 1994).

Proposition 5.2: The more an MAP helps troubled union members reintegrate into the workplace, the more successful the program will be in achieving its objectives.

Recovering workers confront two primary challenges when they return to work. The first is that they need to define new roles for themselves in their work-based social networks. The second is that they need to restructure their jobs, their work environments, or both so that there is a low risk they will relapse and a good likelihood they will maintain long-term sobriety. Our data suggest that, unlike most EAP’s, MAP’s are in an excellent position to help newly recovering workers meet both challenges.

Many employees are apprehensive and lonely when they return to work after treatment. They may imagine that skeptical peers and superiors are constantly monitoring them. They may feel that old friends have lost their respect for and trust in them.

Our data suggest that MAP’s are highly effective at helping newly recovering workers deal with the feelings of both apprehension and loneliness. They do this by laying the groundwork for recovering

workers to become part of a non-substance-abusing peer network and by making returning employees aware of supportive social networks.

Perhaps the most important way a peer counselor can help workers reintegrate into their work-based networks is by telling them what to expect, based on his or her own experience, and how difficult the process of integration is likely to be (Bacharach, Bamberger & Sonnenstuhl, 1994,).

To separate ORB Peer Counselors from ORB would purge all the effectiveness out of the Peer Counselor program. It would also curb options that have become a necessary augmentation to the primary prevention effort at Amtrak.

The Union Members Assistance Program coordinators are special duty union assigned positions. The positions are sanctioned by their respective unions and endorsed by the ESC. The Development of the UMAC program was born out of the need to respond to statistical studies identifying the increased recidivism rate of railroad workers at high risk of relapse from drugs or alcohol. Based on the existing mental health benefit constraints, diminishing long-term impatient care of chronic users, inability of EAP to adequately monitor and attend to chronic users, and the adverse effect of untreated chronic users on a transportation system, the Chief Operating Officer at Amtrak requested an evaluation, and recommendation be proposed to the ORB Executive Steering Committee.

Proposition 4.1: In successful MAP's, the key tools used to motivate co-workers to seek help and, in the case of substance abuse problems, to maintain long-term abstinence are trust and occupational identity.

In all three programs examined, trust is a key component of the help-seeking process. Workers generally feel more comfortable seeking and receiving help from the peer counselors than from professional counselors associated with a company program. There are two reasons for this. First, because MAP's are peer-based rather than corporate-based, workers are not afraid of being disciplined if they seek help from an MAP; they view the peer counselors as helping them to resolve their problems and ultimately as helping them to save their families and jobs. Second, the workers feel that the peer counselors understand their problems better than professionals because they are members of the same occupation. An Operation RedBlock team captain highlighted the importance of trust in convincing workers to seek help from an MAP and particularly in assuring them that they will not be disciplined for doing so (Bacharach, Bamberger & Sonnenstuhl, 1994).

The recommendation to the ESC needed to be fact-based and doable. To add to the complexity of the problem, chronic users where being identified and referred to ORB and EAP due to the cultural evolution that employees were witnessing. Unless the chronic user was referred through the disciplinary process the ability to interact with the chronic user by EAP

was limited. The ESC went through an exhaustive evaluation process of IDENTIFYING THE PROBLEM. Conclusions; From the ORB report to the ESC that lead to the following:

Problem statement: Railroaders who have been treated for substance abuse are at risk for relapse.

SCOPE

- **The EAP staff [FY2000] was on pace to open 1700 new client cases in that fiscal year. Approximately half of those cases were diagnosed with a chemical dependency problem or behavioral problem related to substance abuse.**
- **In FY'99 44% of all medical benefit claims submitted for mental illness were for Amtrak employees; the remaining 56% of claims were for employees' dependents.**
- **In comparison, 85% of submitted substance abuse medical benefit claims were for Amtrak employees; the remaining 15% were for employees' dependents.**
- **Approximately 300 Amtrak employees have had multiple* treatment episodes, multiple* ORB Mark-offs, and multiple* contacts with EAP.**
* two or more in one calendar year.
- **Approximately 800 Amtrak employees have had one or two treatment episodes, one or two ORB mark-offs, and several contacts with EAP.**
- **Approximately 1000 Amtrak employees have had at least one of the following: ORB Mark-off, EAP contact, managed care referral for treatment**

BACKGROUND

- **Seventy-one percent of illegal drug users are employed (HHS study; national household survey on drug abuse, 1996).**
- **Twenty-one percent of Amtrak employees use drugs or alcohol on the job or in excess (Key Informant survey, Focus Groups, 1997).**

Profile of a typical drug-abusing worker, Department of Transportation

- **Late three times more often than non-abusing employee.**
- **Had 2.5 times as many absences of 8 days or more.**
- **Used three times the normal level of sick benefits.**
- **Was five times more likely to file worker compensation claims.**
- **Was involved in accidents 3.6 times more often than other employees**

Health and Human Services, Drug use among U. S. Workers [2000] :

- **Twelve percent of full-time workers reported illicit drug use in the past 30 days.**
- **Twenty-two percent indicated they have used illegal drugs sometime during the past year.**

- *Fourteen percent admitted heavy alcohol use.*

CONTRIBUTING FACTORS

- *Inherent societal drug & alcohol problem.*
- *Diminishing treatment resources.*
- *Unlimited substance abuse benefits.*
- *Disciplinary process.*
- *Minimum supervision.*
- *Limited follow-up & monitoring of drug and alcohol clients.*
- *High tolerance in the railroad culture regarding the drug & alcohol problem.*

COSTS

\$136,000	<i>Total cost for two union liaisons at approximately \$68,000 per liaison (wages & benefits)</i>
<u>\$5,000</u>	<i>Training and expenses</i>
\$141,000	<i>Total Cost</i>

Locations: Washington ,Philadelphia.

COMMITMENTS

- *Diverted ORB conference funds from FY01 were used to cover the wages of the two UEL'S and the salary of the EAP Counselor in Jacksonville for the remainder of FY01.*
- *ORB conference will be postponed until October, FY02.*
- *Additional funding to support the EAP Counselor (JAX) position and two Union Liaisons will be committed to and approved for the ORB/EAP budget in FY02.*
- *Organized labor will endorse and support by referral, the enrollment and participation of identified chronic users into the Union Coordinator's program.*

EVALUATION

Methodology for program study:

Five cases from each relapse category will be evaluated:

- *Two control groups of client cases will be randomly selected:
15 cases will be enrolled in the UMAC program
15 cases will receive standard EAP services*
- *A maximum of 30 cases will be evaluated*

Criteria for measurement:

- **Client cases will be rated based on their propensity for relapse, and categorized for evaluation. Clients are placed into three distinct categories:**

1. **Prone to recovery with mild pre-disposition to relapse.**
2. **Briefly prone to relapse with moderate symptoms of relapse.**
3. **Chronically prone to relapse with severe symptoms of relapse.**

Client cases will be evaluated on pre and post measurements in the following areas:

1. **absenteeism**
2. **tardiness**
3. **injury record**
4. **disciplinary actions**
5. **resumed use of substances**
6. **readmission to treatment**
7. **related medical costs of employee and family**
8. **compensation claims**
9. **job performance evaluations**

The three groups below are separated into categories based on data collected from the following sources:

- 1) **ORB Mark-offs**
- 2) **Employee Assistance Program open cases**
- 3) **Managed care treatment referrals**

- **Group A**
- **Approximately 300 employees have had multiple* treatment episodes, multiple* ORB Mark-offs, and multiple* contacts with EAP.
* more than two in one calendar year.**
- **Group B**
- **Approximately 800 employees have had one or two treatment episodes, one or two ORB mark-offs, and several contacts with EAP.**
- **Group C**
- **Approximately 1000 employees have had at least one of the following:
ORB Mark-off, EAP contact, managed care referral for treatment**

RATINGS

- **Mild pre-disposition to relapse - No prior treatment experience; minimum exposure to ORB and/or EAP (group c)**
- **Stabilized relapse-prone clients recognize and are aware of their chemical addiction, that abstinence is necessary for recovery, and that an ongoing recovery program may be required to maintain sobriety. Despite their efforts, however, these individuals develop**

dysfunctional symptoms, which ultimately lead them back to alcohol and drug abuse.

Moderate pre-disposition to relapse – One and/or maximum of two prior treatment episodes; some exposure to ORB and or EAP (group b)

Identified un-stabilized clients who have not been taught skills to identify their addiction; in such cases, treatment fails to provide these clients with the necessary skills to interrupt the process and disease of addiction. As a result, they are unable to adhere to a recovery program requiring abstinence, treatment, and lifestyle changes.

CHRONIC CASES

- ***Severe pre-disposition to relapse – Multiple treatments and/or contacts with EAP and multiple ORB mark offs. (group a)***
- ***Transition (resistant) clients who do not accept or recognize that they are suffering from chemical addiction, even though their substance abuse may have created obvious adverse consequences. This usually results from the clients' inability to accurately perceive reality, due to chemical interference.***

UNION MEMBERS ASSISTANCE COORDINATORS DUTIES

- ***Eighty percent of the UMAC responsibility will be focused on relapse prevention and continuing care of employees with chemical dependency problems.***
- ***The remaining 20% of their time will be focused on the follow-up of appropriate EAP client's cases with a variety of other disorders/behavior problems.***

UMAC PROGRAM OBJECTIVES

- ***Reduce the recidivism rate of chemically dependant employees***
- ***Work collaboratively with the members union and EAP counselor to motivate the employee into positive lifestyle changes***
- ***Reduce the risk of a troubled employee negatively impacting the workplace.***

BENEFITS

- ***An increase in the utilization of the EAP staff to address other behavioral and attitudinal problems.***
- ***Greater collaboration with labor organizations in the identification, referral and continuing care of a troubled employee.***
- ***Increased union/management and employee confidence in EAP.***
- ***Replaces a system that lacks in providing adequate follow-up***

treatment for employees.

- *Reduces our risk of troubled employees relapsing.*
- *Reduces high-end treatment and medical costs.*
- *Reduces injuries and compensation claims.*
- *Reduces the cost of disciplinary actions.*
- *Increases productivity.*

This strategy to off-set recidivism rates has effectively minimized the risk of an employee with an active substance abuse disorder from being on the property and working.

Since the program has been implemented, the decrease in relapse rates from employees enrolled in the UMAC program has been unprecedented. Post testing results from the employee's supervisor survey evidenced that 85% of the enrolled employees have improved 100%. The major findings indicated that on a rating scale from 1 – 10 with one being the worse and ten the best, averaged from random sampling of supervisory respondents found the following improvements from enrolled highly prone relapse employees:

<u>Category</u>	<u>Rating</u>
Absenteeism	8.0
Lateness	9.5
Injuries	9.6
Discipline	9.4
Attitude	9.4

The program continues to monitor high risks clients through the support of the unions. The Union Members Assistance Coordinator administers services that include: regular telephonic and face to face contacts, cognitive-based teaching of relapse prevention skills, and the continual monitoring of the recovery progress. The UMAC provides relapse prevention services to over one hundred employees.

The program utilizes unorthodox proven methods that are similar to other effective members' assistance programs. These methods endorsed and supported by the unions are non-punitive yet, effective in the delivery of sophisticated relapse prevention techniques. When necessary, through the use of our union leverage an employee can be medically disqualified and marked-off sick unable to work unless they follow the treatment requirements. This leverage, supported by us as their General Chair eliminates the problem of the user from reporting to work while active in a substance abuse disorder or even susceptible to relapse. This process augmented by the disciplinary drug and alcohol policy managed by EAP, weaves together a net of protective policies encompassing the full array of safety initiatives for Amtrak and its union members.

Proposition 5.1: The more all-encompassing the role of an MAP's peer counselors, the more successful the MAP will be in achieving its objectives.

We found that the role of peer counselors in follow-up varied not only between programs but within them. Thus, peer counselors had a far more expansive role in follow-up in the AFA's EAP than in either of the Operation RedBlock programs. The role varied, however, even within a given MAP. For instance, within Amtrak's Operation RedBlock, the director is attempting to build follow-up into the program:

In our analysis of the AFA EAP, we identified two primary ways peer counselors can help workers maintain long term abstinence and sobriety. First, they can cement a trust-based relationship with the co-workers while they are in treatment. Second, by adopting an expanded role in follow-up, peer counselors can often provide support to newly recovering co-workers who do not get it from other sources.

One reason Operation RedBlock may have been slow in developing the peer counselor's role in follow-up is that the division of labor in the program is between union-based peers and management-based professionals. In RedBlock, unionists are responsible for prevention and for helping workers get treatment from the management-based EAP. The professionals are responsible for ensuring that individuals get the help and follow-up assistance they need.

Although this sounds like a reasonable division of labor, in reality, it is often difficult to maintain. In particular, our research suggests that many peer counselors, especially those who are in recovery themselves, find it impossible to promote prevention without also helping their coworkers avoid a relapse. The result may be that MAP's that officially focus on prevention will eventually expand the peer counselor's role to include some follow-up. (Bacharach, Bamberger & Sonnenstuhl, 1994,).

Proposition 5.3: The more explicit an MAP is about what long-term abstinence means, the more successful it will be in achieving long-term abstinence among individuals it assists.

Labor and management have generally adopted a pragmatic definition of sobriety: drinking that does not interfere with one's work (Trice and Roman 1978; Denenberg and Denenberg 1991). Although this definition has been useful in preventing labor-management conflict over workplace drinking, it can present practical dilemmas because it does not distinguish between problem drinkers and alcoholics. Our data suggest that successful MAP's make this distinction. They promote the idea that problem drinkers can learn to drink in moderation but that alcoholics cannot control their drinking and therefore must abstain from alcohol completely.

The distinctions MAP's make between problem drinkers and alcoholics stems from the different ways members of each group respond to help. Thus, workers who are warned about the adverse consequences of their drinking and subsequently drink without suffering such consequences are defined as problem drinkers. The data from the

Operation RedBlock programs indicate that the vast majority of workers on mark-off fall into this category. After RedBlock team members have given these workers information on responsible drinking, they can drink within the limits of these guidelines.

Although it is a matter of judgment when a worker crosses the line between problem drinking and alcoholism, recognition that a boundary exists has pragmatic consequences for peer counselors. First, workers defined as alcoholic should know that the MAP expects them to be totally abstinent. Second, the distinction between problem drinking and alcoholism provides a powerful justification for this expectation: alcoholics have been given repeated opportunities to control their drinking but were unable to do so. Third, the distinction legitimates the mobilization of resources necessary to conduct extensive follow-up. Indeed, as the data suggest, the more intensive the follow-up, the more successful MAP's will be at helping alcoholic and other drug addicted workers abstain. (Bacharach, Bamberger & Sonnenstuhl, 1994,).

Proposition 5.2: The more an MAP helps troubled union members reintegrate into the workplace, the more successful the program will be in achieving its objectives.

Recovering workers confront two primary challenges when they return to work. The first is that they need to define new roles for themselves in their work-based social networks. The second is that they need to restructure their jobs, their work environments, or both so that there is a low risk they will relapse and a good likelihood they will maintain long-term sobriety. Our data suggest that, unlike most EAP's, MAP's are in an excellent position to help newly recovering workers meet both challenges.

Many employees are apprehensive and lonely when they return to work after treatment. They may imagine that skeptical peers and superiors are constantly monitoring them. They may feel that old friends have lost their respect and trust in them.

Our data suggest that MAP's are highly effective at helping newly recovering workers deal with the feelings of both apprehension and loneliness. They do this by laying the groundwork for recovering workers to become part of a non-substance-abusing peer network and by making returning employees aware of supportive social networks (Bacharach, Bamberger & Sonnenstuhl, 1994).

Either the elimination or separation of the UMAC program from ORB would prove costly to Amtrak (millions of dollars) and place the company at high risk. The UMAC serves as insurance for the company/union that the highly prone relapse user who voluntarily sought help through RedBlock or the union is closely and carefully monitored and assisted in overcoming their propensity for relapse. If not identified and assisted Amtrak is left to deal with the employee in the aftermath of an accident or serious tragedy.

Without the support or referral from the union, the relapse prone member is left to his/her challenges, by managing their problem often unsuccessfully and alone.

The CARE program, in many ways works the same as the ORB Peer Counselor program. It is a labor based effort that is made up of many local chairpersons from both the BLET and UTU. The protocols of the program, policy, structure, and disputes regarding the mission of the CARE program are collectively bargained through the "Trauma Team Agreements." A collaborative policy was drafted and implemented through a design team made up of labor and management stakeholders and partners. The advantage of having the CARE program managed under the Trauma Team Agreements protects the integrity of the program from any outside interferences. According to Sherry, P., Philbrick, K.E., (2002), those who reported positive peer support were 5.91 times less likely to develop symptoms of PTSD.

The BLET and UTU are opposed to the EAP managing, the CARE program. As a management-run program the EAP has experienced pressure from managers that have had to deal with CARE mark-offs that resulted in injury reporting. This has had a negative effect on the manager's injury record. Additionally, managers have pressured EAP to return a worker that is protected under the CARE program back to work because of manpower shortages. Because ORB is responsible and reliant on the joint labor/management process, it has the ability to manage the CARE program without succumbing to outside pressure.

Some employees involved in a Critical Incident are having life difficulties. Those problems can be magnified by the traumatic event and sometimes will not be conveyed to a management run EAP. These employees can self-medicate or process the trauma in unhealthy ways. The existing network of volunteers through Amtrak's primary prevention program Operation RedBlock, its ORB Peer Counselor program, enhances the utility of the CARE program.

All of the ORB Peer Counselors are trained in Critical Incident Debriefing, and work in conjunction with Critical Incident Response Employees (CIRT) team members when the need arises. This ability of ORB to manipulate appropriate resources to a given problem has served Amtrak and union members quite well. The program's structural reporting and adherence to joint labor/management oversight places it in a unique position of searching for compromises between labor and management that afford each party a view, understanding and focus on common goals.

If the CARE program were to be identified or branded as an EAP program, the workforce may misunderstand its mission. The efforts of "Peer" based programs are successful because they are "Peer" based, one co worker helping another. The organizational structure of Peer based programs in

ORB are understood and promoted to the employee as joint labor/management. With it goes the full protection that employees receive by their union's endorsement. This is what creates the accessibility, trust and expectation of the co-worker that the problem will be handled competently, and without employer retribution.

All three ORB programs represent the evolution of the educational, and intervention work done by peer based programs. All three programs value, and contribution to our unions and Amtrak, is weighed through the process of joint labor/management and collective bargaining.

Summary

Our Labor response as members of the ESC regarding the Office of Inspector General evaluation is intended to provide a full accounting of activities and records not presented in their report. This will also provide a more balanced view of the rationale and growth of Amtrak's ORB's comprehensive strategies developed through evaluative evidence-based research.

The combination of existing ORB programs, and their performance measured by outcome accident and injury data, speak for themselves. The OIG missed a meaningful opportunity to evaluate all of Amtrak's drug and alcohol programs using an unbiased collaborative lens. Commonly viewed as a three legged stool: drug-testing, treatment/rehabilitation, and prevention/intervention represent components that could collectively make Amtrak the safest National Transportation system in the United States. By carving out the only labor-run program for evaluation, and without inspection of the management-run drug and alcohol programs, the OIG created a narrow and prejudicial outlook of Amtrak's overall responsibility for providing a safe workplace.

Above all, we have employees who are using drugs and abusing alcohol. That is a fact of our society and exists in every American workplace. We live with the risk of a potential catastrophe and unthinkable consequences each day. Some of us have experienced the devastating effects of a drug related past accident such as in Chase, Md. Many more have difficulty comprehending and relating to something they have not experienced and to which ORB has successfully quelled. In one day, we suffered the loss of 16 lives, and 174 serious injuries. We reckoned with the faces of families in anguish, and had to endure the loss of our public trust and treasury.

Many of our members as well as managers of all ranks have courageously put their reputation and integrity on the line to stand up over the last twenty years for what they believe is the right approach to handling this problem. That unyielding commitment and dedication to a safer workplace

has prevented the last 57 derailments and line of duty deaths of 43 co-workers NOT to be caused by drugs or alcohol.

Today our trains are faster, more crowded and operational systems are more complex, adversarial relationships between labor and management are intense, and need to be rebuilt. Clearly the risks are higher and the environment is more complicated. We need to be enhancing our systems to meet the extraordinary demand of these challenges.

Unfortunately, the opportunity to join with labor and discover drug and alcohol program improvements has passed. Many of our caring members look back to an era when their judgment had meaning and their contribution was uplifting. Fundamental to RedBlock, there exists a genuine attitude of thoughtfulness. It is a healthy experience that will transcend the discomfort of the current time and learn to live on. We look forward to re-discovering and participating in the programs that work. It has been demonstrated and documented time and time again, that when the common interest of both labor and management are motivated, the positive results are unparalleled.

Without thoughtful joint labor/management consideration of the ramifications proposed in the OIG recommendations, a reverse in accomplished outcomes are likely. Labor can only hope that any change is done in conjunction with the inclusion and approval of both labor and management. On the other hand, if any change occurs without consensus, whoever is responsible for that change becomes accountable for the outcome.

Hopefully this will bring cause for an objective review of the program's value to safety at Amtrak, its commitment to the riding public and our members. In conclusion we reference the final recommendations of two evaluative studies for your comparison of ORB's ability to reach significant policy related goals and objectives.

Proposition 6.1: More successful MAP's act as agents of cultural change by constantly challenging traditional occupational norms of denial, cover-up, and enabling.

Only peers have the power to change drinking and drugging cultures that have been resistant to management change, because only they can consistently enforce the norms required to transform these cultures - into cultures of sobriety. Many members would gladly discontinue covering up their co-workers' drinking if they knew that their co-workers would be helped rather than punished. (Bacharach, Bamberger & Sonnenstuhl, 1994,).

Bacharach et al. (1994) and Miller et al. (2002) represent instructive policy related goals and objectives:

First, government, management, and labor should encourage the establishment of MAP's as a means by which to make the marketplace for health care services more competitive. Making health care services more competitive would benefit all three parties because it would help ensure that more cost-effective, higher-quality services were provided. There are several ways in which MAP's could help further this goal:

- They provide clients with a broad base of information about the quality and cost-effectiveness of the services offered.***
- They have accountability with clients, unlike third-party agents such as insurance companies and managed-care providers.***
- Because they empower clients, former clients become an important source of referrals.***

Second, federal and state governments should encourage the establishment and diffusion of MAP's. Because MAP's offer an integrated, peer-based, nonhierarchical solution to helping workers with substance abuse and mental health problems, they should interest all parties involved: labor, management, and government. Further, they are cost-effective because they eliminate the need for a staff hierarchy, including professionals and semiprofessionals and they can provide services focused on prevention and follow-up without additional staff.

Third, government managements and labor should look for new ways to invigorate the role of nonprofessional volunteers in helping not only workers suffering from substance abuse and mental health problems but also those with physical problems such as cancer and AIDS. The results of our study suggest that MAP's are a non-bureaucratic way to personalize employee health care. They can be an effective supplement to the highly bureaucratized prevention, referral, and follow-up infrastructure.

Fourth, government, managements and labor must begin to redefine the nature of deterrence and prevention in the workplace. They must begin to recognize that cost-effective, long-term deterrence and prevention involves changing both organizational and occupational cultures. As such, they must take steps to help workers redefine what is and is not acceptable workplace behavior, which is the key to effecting long-term cultural change. They must also recognize that, because prevention, referral, and follow-up further a greater goal, peers must play a central role in these functions as well.

Fifth, state governments should encourage education programs for MAP volunteers. Such education, however, should not be carried out by the state; rather, it should be done by nonprofit, private-sector groups such as the Labor Assistance Professionals (LAP), which is committed to offering quality education to unions and union members interested in developing MAP's. Such programs would ensure that peer counselors receive at least a minimal degree of training. At the same time, government agencies must be careful not to overemphasize credentialing MAP's. To do so would endanger the spirit of communal voluntarism underlying the programs and discourage workers' commitment to helping one another.

Sixth, unions should reemphasize the importance of mutual aid in fulfilling their mission. They need to view MAP's as essential to their role as

advocates for labor.

Seventh, management should support the initiation and implementation of MAP's. As noted above, it is in management's interest to recognize that MAP's offer a cost-effective way to deal with substance abuse and other mental health problems in the workplace. Furthermore, cooperation with labor in the area of employee health could provide the impetus for labor-management cooperation on unrelated issues, such as safety and quality. (Bacharach, Bamberger & Sonnenstuhl, 1994,).

Center for Substance Abuse Prevention, SAMHSA Cooperative Agreement #1 U1K SP08096

- ***PeerCare should work in unionized settings where the culture protects those who drink and drug on the job.***
- ***In the words of Bacharach et al. (1996), top management and labor must establish an oasis of trust around substance abuse. They must agree that saving employees is the top priority and must assure complete confidentiality.***
- ***Two-day off-site training is required, with management, union, and other prestige titles dropped at the door.***
- ***Sustained funding and periodic regular multi-site meetings and conferences will probably keep trainees active as volunteers for many years.***
- ***Team Captains will require some release time.***
- ***Injury and discipline costs avoided should far exceed program costs.***
- ***Program participants understand the value of early intervention and follow-up.***
- ***Awareness activities maintain PeerCare's high profile.***
- ***Leadership begins at the top. The vision and dedication of corporate champions propelled the program into prominence.***
- ***Strong collaboration between major stakeholders (i.e., unions and management) helps sustain the program.***
- ***A strong infrastructure—the strength of the committees and the rules by which they operate is essential. An example of PeerCare's commitment to rules, procedures, and regimens that work is Sullivan's Rules for Management, which appears in most yearbooks.***

REFERENCES

- Babbie, E.R., (1995) The Practice of Social Research – 7th edition. Wadsworth Publishing, Harrisonburg, Virginia
- Bacharach, S.B. & Sonnenstuhl, W. J. (1994) Members Assistance Programs in the Workplace, The Role of Labor in the Treatment and Prevention of Substance Abuse, ILR Press, Cornell University*
- Bamberger, P & Sonnenstuhl, W. (1995). Peer Referral Networks and Utilization of a Union-Based EAP. The Journal of Drug Issues, 25(2), pp. 291- 312.*
- Bickerton, R. (1990 November/December). Employee Assistance: A History in Progress. Alcohol Health & Research World: EAP Digest, pp34-42 &82-84.*
- Eichler, S. Goldberg, C.M, Kier, E.L., Allen, J.P. (1988) -**
OPERATION:REDBLOCK Case Study of a Peer Prevention Substance Abuse Program for Railroad Personnel, Institute for Human Resources, Inc. Rockville, Md*
- Miller, T., Nelkin, V., Becker, L.R., Crivelli, J., Thomas, B.S., Spicer, R.S. (2002) Peer Care Program: Process Evaluation. Center for Substance Abuse Prevention, Substance Abuse and Mental Health Service Administration, Rockville, Md. [CA#1U1KSP08096]*
- Miller, T.R. & Zaloshnja, E. & Spicer, R.S.(2006) Effectiveness and Benefit Cost of a Peer Based Workplace Substance Abuse Prevention Coupled with Random Testing. Accident Analysis and Prevention Journal. Elsevier [AAP-1404, 9 pages].*
- Nye, S.G., (2000) Employee Assistance Law Desk Book, EAPA, Arlington, VA **
- Scanlon, W. (1991). Alcoholism and Drug Abuse in the Workplace: Managing Care and Cost Through Employee Assistance Programs. Praeger, New York, New York.*
- Spicer, R.S. & Miller, T.R.(2005) Impact of a Workplace Peer- Focused Substance Abuse Prevention and Early Intervention Program, Alcoholism : Clinical and Experimental Research Journal [Vol29 No 4]*