

special employee advisory

February 9, 2011 • Page 1 of 2

Message from Joe Boardman

Dear RedBlock supporters,

The RedBlock dilemma is about confidentiality. It is not hard to understand that the name of someone marking off because they made a mistake should be kept in confidence. Everyone that I have talked to (Union, Management, Regulatory and Oversight Agency) understands that and supports the confidentiality that protects those who have made those occasional mistakes. We all live with both a greater sense of confidence in the safety element of the RedBlock program and the ability to maintain a compassionate program when a mistake is made. That compassion includes peer counselors that are available to help make sure a mistake does not become a habit.

A dilemma is a problem offering at least two solutions or possibilities, of which none are practically acceptable.

So what is the real problem?

It is the Code of Federal Regulations. Specifically its 49 C.F.R. Part 219, Subpart E, "Identification of Troubled Employees." And 49 C.F.R. 240.119(b), "a person who has an active substance abuse disorder may not be certified as a locomotive engineer."

And, it is the requirement that only a "substance abuse professional" (SAP) can make determinations about whether or not a troubled employee has an active substance abuse disorder — in the case of Amtrak that is the EAP program. RedBlock does not evaluate or diagnose an employee with a substance abuse disorder, and does not mandate that an employee obtain counseling or treatment. Instead, RedBlock relies on peers, or lay-volunteers, to intervene with employees and encourage them to

seek assistance. In fact, the lynchpin of the program, and what encourages employees to use the mark-off procedure, is that the process is confidential and does not have any "consequences."

So what is the truth about confidentiality?

When an Substance Abuse Professional, such as our EAP program (but includes any professional referral service) determines that we have a "Troubled Employee" with a substance abuse problem, that employee must follow a treatment program prescribed by an SAP. By law, this process is entirely confidential, unless and until the employee refuses to cooperate with the recommended course of counseling or treatment, at which point, confidentiality may be waived in accordance with applicable regulations. Engineers would not be allowed to perform safety-sensitive operations until they successfully complete the treatment recommendations. Everyone agrees with these requirements, including RedBlock.

Then why is there a problem?

Because those who have been in charge of administering the RedBlock program (Amtrak management employees) have been unable to provide the information that FRA has asked for, and the information that the Amtrak Office of Inspector General has asked for, that would document that RedBlock is following the requirements of the regulations.

That set of circumstances has led to both the FRA and IG questioning the "due diligence" of Amtrak's management in ensuring that the federal regulations on substance abuse in the workplace are being properly managed.



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February 9, 2011 • Page 2 of 2

RedBlock is a union program. Management employees were being paid to operate that program. That put management at the center of the responsibility for the program, without control of the program. Both the FRA and the IG are holding Amtrak management accountable for the operation of the RedBlock program. The IG findings and recommendations are all couched in and start with “The President and CEO must...” — that’s me.

I agree that this is a union-run program. I made a proposal this past December to labor to support that — run it. Amtrak would support the program by paying for three coordinators. Amtrak would make sure that the company meets the requirement of due diligence to prevent drug and alcohol violations under the federal regulations by tasking EAP with oversight of the counseling functions, which it is uniquely qualified to do.

I’ve received several e-mails and some personal comments on the changes, many of them were part of a “grassroots campaign” that just spoke about the confidentiality issue, and the fear that causes among employees. I understand that fear, and I think it has been confused by a lack of understanding about what that means. I have tried to address that in this letter.

It’s time to set this program on the right path, at least the right path as our oversight agencies believe. Fighting the issue of confidentiality for the very few folks that have a substance abuse problem is not the right path. We need to ensure not only safety as our highest calling, but also the tough love it takes to confront any troubled employees that we might have.

Thank you for your service on the Executive Steering Committee, as RedBlock Captains or peer counselors. Help me bring this program to the right path.

Sincerely,



Joe Boardman
President and CEO

