

# Are you aware of the FRA Part 219 Subpart K Referral Program?



## SELF-REFERRAL PROGRAM

Designed to encourage and facilitate the identification of a regulated employee who abuses drugs or alcohol by providing the employee the opportunity to obtain counseling or treatment before the employee's drug or alcohol abuse manifests itself in a detected Part 219 alcohol and drug use violation.

## CO-WORKER REFERRAL PROGRAM

Designed to encourage co-worker participation in preventing Part 219 alcohol and drug use violations.

## NON-PEER REFERRAL PROGRAM

If adopted by your railroad, the non-peer referral program is designed to encourage non-peer (i.e. family, friends, spouses, etc.) participation in preventing Part 219 alcohol and drug use violations.

The purpose of FRA's Part 219 Subpart K is to help prevent the adverse effects of drug and alcohol abuse in connection with regulated employees. All full-compliance railroads **must** adopt, publish, and implement a referral program. The referral program **must** specify the allowances, conditions, and procedures under which a self-referral, co-worker referral, and, if adopted, a non-peer referral, can occur, as follows:

**Self-referral program** – A railroad must identify one or more designated Drug and Alcohol Counselor (DAC) contacts (including telephone number and email if available) and any expectations regarding when the referral is allowed to take place (such as during non-duty hours, or while the employee is unimpaired).

**Co-worker referral program** – A railroad may accept a referral under this subpart only if it alleges that the regulated employee was apparently unsafe to work with or is in violation of Part 219 alcohol and drug use prohibitions or the railroad's drug and alcohol abuse rules. The employee must waive investigation of the rule charge and must contact the DAC within a reasonable period of time.

**Non-peer referral program** – If adopted by the railroad, a railroad may remove a regulated employee from service only if a railroad representative confirms that the employee is unsafe to work with or is in violation of Part 219 alcohol and drug use prohibitions or the railroad's drug and alcohol abuse rules. The employee must waive investigation of the rule charge and must contact the DAC within a reasonable period of time.

**Employment maintained** – A regulated employee who is affected by a drug or alcohol abuse problem may maintain an employment relationship with a railroad if:

- The employee seeks assistance through the railroad's voluntary referral program for his or her drug or alcohol abuse problem or a co-worker or a non-peer refers the employee for such assistance; and
- The employee successfully completes the education, counseling, or treatment program a DAC specifies under this subpart.

**Employment action** – If a regulated employee does not choose to seek assistance through a referral program, or fails to cooperate with a DAC's recommended program, the disposition of the employee's relationship with the railroad is subject to normal employment action. An employer has the option to limit the number of times that a regulated employee may use the Subpart K referral program.



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