

Section: Engineer Certification & Part 240 Compliance

ENGINEER CERTIFICATION & Part 240 COMPLIANCE

Federal regulations (49 CFR Part 240.119) do not permit an individual to be certified as a locomotive engineer if that person has an active substance abuse disorder. If a certified engineer has been determined to have an active substance abuse disorder, their certification shall be suspended. (1)

The following table sets out the periods of ineligibility for engineers and engineer candidates who have violated 49 CFR 219.101 (under the influence or impaired by drugs or alcohol) or 219.102 (prohibition on abuse of drugs). If the Federal violation is based on a test however, an alcohol test results is evidence that can be used to prove a 219.101 violation because it can show an on-duty use; a drug test result is evidence that can only show a 219.102 violation because it does not provide evidence of an on-duty violation by itself.

This table is a guide and does not supercede the Federal regulations. Authority to de-certify rests with the (insert name of your company's department) on the Federal regulations 49 CFR Part 240.

	Violation	Certification Review Timeframe	Conditions or Considerations	Ineligibility Period to Hold a Certificate
1	One (1) violation of 49 CFR Part 219.101	60 consecutive months prior to violation in question	N/A	9 months
2	Two or more (2+) violations of 49 CFR Part 219.101	60 consecutive months prior to violation in question	N/A	5 years
3	Alcohol test refusal 49 CFR Part 219.101	60 consecutive months prior to violation in question	N/A	9 months
4	One (1) Violation of 49 CFR Part 219.101	60 consecutive months prior to violation in question	One (1) Violation of 240.117 (e)(1)–(5) that occurred in past 36 months of each other	9 months (regardless of 240.117 ineligibility periods)
5	One (1) Violation of 49 CFR Part 219.101	60 consecutive months prior to violation in question	Two (2) separate violations of 240.117 (e)(1)–(5) that occurred within 36 months of each other	1 year

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6	One (1) Violation of 49 CFR Part 219.101	60 consecutive months prior to violation in question	Three 3 violations of 240.117 (e)(1) – (5) in a 36 month interval	3 years
7	One (1) violation of 49 CFR Part 219.101	60 consecutive months prior to violation in question	Co-worker report and waiver of investigation	During the evaluation and treatment period prescribed by the EAP
8	One (1) violation of 49 CFR Part 219.102 (i.e. positive Federal drug test result)	60 consecutive months prior to violation in question	N/A	During the evaluation and treatment period prescribed by the EAP
9	Two (2) violations of 49 CFR Part 219.102 (i.e. positive Federal drug test result)	60 consecutive months prior to violation in question	N/A	2 years
10	Three or more (3+) violations of 49 CFR Part 219.102 (i.e. positive Federal drug test result)	60 consecutive months prior to violation in question	N/A	5 years
11	Drug test refusal 49 CFR Part 219.102	60 consecutive months prior to violation in question	N/A	During the evaluation and treatment period prescribed by the EAP (also not permitted to perform hour of service for 9 months - 219.107)
12	A violation of 49 CFR Part 219.101 and 219.102 (during the same testing event)	60 consecutive months prior to violation in question	N/A	9 months

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13	A violation of 49 CFR Part 219.101 and .102 (separate testing events)	60 consecutive months prior to violation in question	N/A	3 years
14	Drug and Alcohol test refusal (same test event) (219.101 and 219.102)	60 consecutive months prior to violation in question	N/A	9 months
15	Reporting a DUI conviction within 48 hrs of the conviction per 49 CFR Part 240.111 (h): OR Failing a drivers license check - see below (2)	36 months prior to conviction	EAP determination of active substance disorder	During the evaluation period and until successfully completing the treatment period prescribed by the EAP and providing a Federal Return to Duty urine and breath sample that test negative.
16	Any Company A&D violation (other than a DUI) resulting from a Non-Federal testing event	N/A	N/A	None

(1)

In the event an employee violates 49 CFR Part 219.101 or 49 CFR Part 219.102 or has a DUI conviction but, is not actively performing the duties of a locomotive engineer but holds a current locomotive engineer certificate, that employee's violation or DUI will be taken in to consideration in determining the employee's eligibility to currently hold a locomotive engineer certificate.

(2)

- A conviction for, or completed state action to cancel, revoke, suspend or deny a motor vehicle drivers license for operating a motor vehicle while under the influence of or impaired by alcohol or a controlled substance OR
- A conviction for, or completed state action to cancel, revoke, suspend or deny a motor vehicle drivers license for operating a motor vehicle for, refusal to undergo such testing as is required by law when a law enforcement official seeks to determine whether a person is operating a vehicle under the influence of alcohol or a controlled substance.