

APPENDIX “F” – Trauma Team Agreement and CARE Program

AGREEMENT

BETWEEN

NATIONAL RAILROAD PASSENGER CORPORATION

AND

BROTHERHOOD OF LOCOMOTIVE ENGINEERS

TRAUMA TEAM AGREEMENT

Major accidents, derailments, suicides, trespasser fatalities, death of employees, grade crossing accidents, and workplace violence are events experienced throughout Amtrak’s 23 year history. These events are called “critical incidents.” For our purposes, a critical incident is defined as a traumatic event occurring in the workplace. A critical incident is defined in terms of its effect; that is, an event that may lead to a traumatizing reaction. The issue of dealing with trauma is not simple because trauma is not an absolute; it is a relative response to the event. Each person can experience the same critical incident differently.

The parties are committed to the well being of our employees and members and seek to provide them with the support and assistance they may require at such times. The purpose of this agreement is to encourage mutual cooperation between labor and management in addressing this concern by the development of a preferred care plan fully endorsed by both parties.

- (1) A joint labor-management committee is hereby formed to develop a comprehensive program to assist our employees and members involved in critical incidents.
 - (a) The committee will initially be comprised of two (2) representatives appointed by Amtrak and two (2) representatives appointed by the BLE.
 - (b) The committee will be open to representatives of other labor organizations with a commonality of interests.
- (2) The committee will consider all relevant issues, including but not limited to, initial notification, training, peer involvement, release from duty, care and counseling, return to duty and after-care.
- (3) The committee will recommend to Amtrak’s Management Committee a jointly developed and supported trauma program for implementation. Should there be an issue where consensus cannot be reached, the majority and minority opinions and rationale shall be included in the recommendation.
- (4) The committee will be on-going and meet not less than once every six (6) months to review the program in light of any intervening critical incident experiences, how the program operated during the incidents and to make recommendations for improvements to the program as appropriate.

This agreement is effective fifteen (15) days after receipt of a signed copy by Amtrak and may be terminated by either party with fifteen (15) written notice to the other party.

SIGNED THIS 7th of December, 1995

FOR THE BROTHERHOOD OF
LOCOMOTIVE ENGINEERS

(original signed by)

R. E. Wiggins
General Chairman
(subject to 10/25/95 Conditions)

(original signed by)

M. B. Kenny
Eastern Region Chairman

(original signed by)

D. H. Underwood
Mid-West Region Chairman

(original signed by)

C. A. McDowell
Western Region Chairman
NEC SBU

FOR THE NATIONAL RAILROAD
PASSENGER CORPORATION:

(original signed by)

L. C. Hriczak
Director-Labor Relations

(original signed by)

D. R. Wright
Vice President Human Resources

(original signed by)

G. O. Mallery
Chief Executive Officer
Western SBU

(original signed by)

R. C. VanderClute
Interim Chief Executive Officer

Brotherhood of Locomotive Engineers
General Committee of Adjustment
AMTRAK

4 Executive Campus, Suite 100
771 Cuthbert Blvd & Route 70
Cherry Hill, NJ 08002
Ronald E. Wiggins
Telephone (609) 488-7432
General Chairman
FAX (609) 488-7434

October 2, 1995

Mr. L. C. Hriczak
Director – Labor Relations
National Railroad Passenger Corporation
30th Street Station – 4th Floor, North Tower

Philadelphia, PA 19104

Dear Mr. Hriczak:

The parties to the Trauma Team Agreement realize that when locomotive engineers operate trains involved in “critical incidents,” such traumatic situations require comprehensive action. Such recognition reflects policies now in effect and in those developed through the institution of a formal cooperative approach in developing an agreement to address these situations. The parties agree that such cooperative efforts are the preferred method of addressing this issue.

When the parties formalize and adopt a permanent agreement addressing this matter, the BLE General Committee of Adjustment – AMTRAK will join with Amtrak in sponsoring an Amendment to the Rhode Island law specifically exempting Amtrak Passenger Engineers from coverage under the law for so long as an agreement remains in place. Further, in the event similar legislation is introduced in the legislature of any state where Amtrak operates passenger trains or in the Congress of the United States, the Committee is agreeable to jointly seek exclusion from these laws under the same conditions.

Subject to the above, I have conditionally signed the Trauma Team Agreement today to move the process. If you agree, please prepare an updated copy of the agreement and have the carrier officers signatory to the agreement complete it and return to me to complete the signing.

Sincerely yours,
(original signed by)
Ronald E. Wiggins General Chairman

July 10, 1997

Mr. Ron E. Wiggins
General Chairman
Brotherhood of Locomotive Engineers
Cherry Tree Corporate Center
Suite 125
535 Route 38
Cherry Hill, NJ 08002

RE: Amtrak CARE Program

Dear Ron:

We are pleased to announce that after a lot of hard work and dedication by both Amtrak and the Brotherhood of Locomotive Engineers, we have an official program for handling Passenger Engineers and Assistant Passenger Engineers involved in critical incidents. The official program title is Critical Assistance and Response Program for Employees, but will be referred to as CARE. An outline of the program is attached.

A component of the program is a Pay Continuation provision for your members. For compensation purposes, the definition of a critical incident is an incident in which there is serious bodily injury, or death of employees, passengers, or trespassers. However, traumatic events that do not result in serious bodily injury or death, but are catastrophic in nature may be considered. The adherence to this definition is crucial for the successful implementation of the program because that intent of the program is to provide services to BLE employees involved in critical incidents who are experiencing some traumatic reactions to the incident. The compensation portion of the program is not intended to be an extension of vacation days or days off with pay.

We are planning to have the program implemented on September 1, 1997, throughout each SBU. We are requesting your assistance in the smooth implementation of this program and would like to have your input in the development of the communication vehicles and training programs for BLE members and Amtrak management. We also need your support in conveying to your members the components of the program, especially regarding compensation.

We look forward to the introduction of this program at Amtrak and believe that CARE will make a difference in how our Passenger Engineers and Assistant Passenger Engineers are handled after being involved in a critical incident throughout the system.

Please have your BLE representative contact Ms. Malva D. Reid, Director of Employee Assistance Program, at (202) 906-54160 to schedule a meeting to discuss the strategies for CARE implementation.

Sincerely,

(original signed by)

Joseph M. Bress
Assistant Vice President and
Special Assistant to the President

(original signed by)

R. C. VanderClute
Vice President Operations

ATTACHMENT

cc: Malva D. Reid

NATIONAL RAILROAD PASSENGER CORPORATION

CRITICAL ASSISTANCE AND RESPONSE FOR EMPLOYEES PROGRAM (C.A.R.E.)

POLICY

Purpose

Amtrak is concerned with the well-being of its employees involved in critical incidents. In order to ensure that they are provided with appropriate mental health assistance, the Critical Assistance and Response Program for Employees (C.A.R.E.) was established. For the purpose of this policy, a critical incident is defined as, but not limited to, an event in which there is serious bodily injury or death of employees, passengers, or trespassers. Also, traumatic events that do not result in bodily injury or death but are catastrophic in nature may be considered as cause to engage C.A.R.E.. Accordingly, this policy sets forth the procedures for each of the program components.

Scope

All Amtrak employees.

Notification System

All critical incidents that occur in the Intercity and the Northeast Corridor will be reported to the National Operations Center (CNOC). It is the responsibility of CNOC to notify the Employee Assistance Services (EAP) of the incident. Amtrak West and Amtrak West Commuter services will report each critical incident to the Emeryville, California Operations Center. The Emeryville Operations Center is responsible to notify the EAP. The following information will be provided to the EAP within two (2) hours of the critical incident:

1. Day, time, train number, location, what happened, the extent of injuries to employees, passengers, and trespassers, and/or fatalities.
2. How long the train is going to be delayed; what was the train's destination; and when do they expect the crew to return home.
3. Names, telephone numbers, and social security numbers of the train crew or employees involved.
4. In the case of a major train accident, CNOC will provide the profiles of; Train and Engine crew, On Board Services Crew employees, Student or Trainee employees, and any Managers who are in service and on board the train at the time of the accident.
5. In the event of a non-train related incident on Amtrak property, it is the responsibility of the local supervision to notify the EAP of the critical incident and provide the names and telephone numbers of the involved employees.

Outreach - Primary Level of Intervention and Personnel

Interventions are conducted by specially trained Critical Incident Response Team Members (CIRT) and/or Employee Assistance Professionals (EAP). CIRT's made up of peers lead the intervention and offer support to their co-workers while the EAP counselor oversees the process.

All critical incidents are followed-up by telephone or in person intervention by a CIRT member and/or an EAP counselor. Contacts with the employee involved in the critical incident will be made within twenty-four (24) hours of the incident or an appropriate time thereafter.

Intervention Process

The CIRT team member and/or the EAP counselor is responsible for the initial contact and defusing of the incident with the employee involved in the critical incident. When the trained CIRT team member is the employee's first point of contact and feels the employee needs additional support or the employee requests additional support, he/she will contact their regional EAP counselor.

An EAP assessment will be required for any incident that involves a fatality, serious injury, or time off from work under the C.A.R.E. program. The EAP counselor will conduct an assessment to determine the wellbeing of the employee. If necessary, an appropriate referral will be made to an external qualified mental health provider specializing in trauma for further assistance. The EAP counselor's intervention will provide employees with basic stress management techniques to assist in coping with any stress reactions that may occur.

Individual Defusing or Group Debriefing

After the initial contact with the EAP counselor, it may be determined that the employee needs additional informal support for stress reactions experienced due to the involvement with the critical incident. The employee is referred to an external community professional with training, certifications and specialization in Critical Incident Stress Management. Meetings with the trained mental health provider are confidential (as required by federal, state, and local laws) and are strictly performed as a supportive service and are not expected to interfere with the employee's regular work assignment.

In the event of a major critical incident affecting many employees, the EAP staff will facilitate a critical incident debriefing session. The critical incident debriefing process involves employees getting together in a confidential group setting to discuss the incident, express feelings, and receive stress management coping techniques. Information shared during these sessions will be kept confidential (as required by federal, state, and local laws). Under no circumstances will information shared during this session be considered part of the incident investigation.

These services are not intended to replace medical or psychological evaluations.

Referrals to an External Qualified Health Care Professional

If it is determined by the EAP counselor that the employee requires a post traumatic stress disorder evaluation, the employee will be referred to an external Qualified Health Care Professional (QHCP) specializing in critical incident interventions and treatment. These providers will be obtained through Amtrak's insurance provider network. The Employee Assistance Program will be responsible for the employee co-payment for up to ten (10) sessions. If the employee misses more than three (3) days from their work assignment the EAP counselor must receive a diagnosis, prognosis and treatment plan from the QHCP in order to file an occupational injury report form to comply with Federal Railroad Administration requirements.

Compensation for lost time because of a critical incident (Pay Continuation)

First three (3) days after the incident

If the employee involved in a critical incident believes that he/she has been traumatized by the event and cannot continue their work duties, they will be relieved from their work assignment under the procedures of the C.A.R.E. program. Once relieved, an EAP counselor will contact the employee, as defined in the intervention process. The EAP counselor through the appropriate department will authorize compensation in addition to notifying the employee's status to their department manager. Up to three (3) consecutive work days after the incident, the employee can be compensated for lost earnings from their work assignment by complying with the EAP counselor's recommendations.

After the Initial First Three (3) Work Days and up to Seven (7) Work Days

If it is determined that the employee needs more than three (3) consecutive work days from active duty and needs to be treated for trauma, the employee must adhere to Federal requirements as described in "Referrals to an External Qualified Health Care Professional" and can be compensated for a maximum of seven (7) work days.

Training

Any employee who would like to participate as a Critical Incident Response Team member must attend critical incident training using the Mitchell Model and must receive a certificate of completion from the International Critical Incident Stress Foundation. To request training an employee must receive authorization from their respective union representative and the Manager of Peer Services. Additional training will be identified and authorized through each regional EAP counselor.

A two (2) hour training course will be available for all supervisors, especially for supervisors of train crews. This course will contain information from the Pre-incident training course; how to handle employees involved in critical incidents.