

BASELINE REQUIREMENTS FOR SUBCONTRACTS SUBJECT TO 10 CFR 707 (Dec 2008)

(a) Develop and submit to UT-Battelle, LLC, a written program to comply with Subpart B and DHHS Mandatory Guidelines for Federal Workplace Drug Testing Programs. The program must include *at least* the following:

(1) Written policy statement prohibiting *use, possession, sale, distribution or manufacture* of illegal drugs by any employee or individual performing subcontract work.

(2) Plans for instruction of supervisors and employees concerning (i) problems of substance abuse, including illegal drug use; (ii) availability of assistance through the EAP and/or referral to other resources; and (iii) penalties that may be imposed upon employees for drug-related violations occurring on the DOE site.

(3) Statement that the anti-drug policy in (a)(1) above has been distributed (or prior to start-up of subcontract work will be distributed) to all individuals who will perform work on subcontract, and that such individuals have (or prior to start-up of subcontract work will have) acknowledged that *as a condition of employment* under the subcontract, they agree to:

(A) Abide by the terms of the anti-drug policy statement.

(B) Notify the employer in writing of the employee's conviction under a criminal drug statute for a violation occurring on the DOE site no later than 10 calendar days after such conviction.

(4) Provision for written notification to UT-Battelle within 10 calendar days after receiving above notice of conviction from a subcontract employee or otherwise receiving actual notice of a conviction of a drug-related offense.

(5) Provision that *one* of the following actions will be imposed on any employee convicted of a drug-related violation occurring in the workplace within 30 calendar days after receiving notice of such conviction:

(A) Taking appropriate personnel action against such employee up to and including termination; or

(B) Offering such employee, consistent with the subcontractor's policies, an opportunity to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purpose by a federal, state or local health, law enforcement, or other appropriate agency. If the employee *does not* participate in such rehabilitation program, the subcontractor *must* take appropriate personnel action up to and including termination, in accordance with the subcontractor's policies.

(b) Commitment to make good faith effort to maintain a workplace free of substance abuse through implementation of (a)(1) through (5) above.

(c) Listing of names and job titles of individuals who will perform work under subcontract. If during subcontract performance changes are made to the list, updated lists must be promptly reported to UT-Battelle.

(d) Identification of testing designated positions (TDPs). List names/job titles of employees who will occupy TDPs. If there are no TDPs in the subcontract work, state that there are none. If there are TDPs, then written description of program must also:

(1) Prohibit any individual not free from use of illegal drugs from working in TDPs.

(2) Notify all individuals in TDPs at least 60 days in advance of testing that they are subject to drug testing.

(3) Assure that all employees in TDPs pass a drug test as specified in the regulation *before* assignment to subcontract work.

(4) Assure that all employees in TDPs are in an on-going random drug-testing program and subject to being called without notice to undergo a test at any time during the period of subcontract work performance.

(5) Assure that drug testing of an employee will be conducted when there is reasonable suspicion of drug use or following an occurrence as defined in the regulation, or as a follow-up to drug rehabilitation.

(6) Assure that *any* individual (including a non-employee) with *unescorted access to control areas of certain DOE reactors specified in 10 CFR 707.7*, will be required to undergo on-going random testing; and reasonable suspicion and occurrence drug testing as required by the regulation.

(7) Require employees in TDPs to provide written notice of *any* drug-related arrest, conviction, or receipt of positive drug test result regarding that employee ASAP but within 10 calendar days of such arrest, conviction, or receipt.

(8) Notify UT-Battelle immediately *whenever circumstances raise a drug or security concern, even if it is not clear that the individual has actually used an illegal drug.*

(9) Identify drug-testing laboratory to be used. State that it has been certified by the DHHS to conduct testing under federal programs. Identify MRO, and collection site personnel to be used. Indicate the drugs for which the lab will test employees.

(10) Provide to UT-Battelle written reports semi-annually during subcontract performance period which will reflect all drug testing activity, including test results and any cases giving rise to a drug or security concern, that will enable UT-Battelle to properly monitor the program and report drug matters to DOE as appropriate.

(e) Assure that written program complies with 10 CFR Part 710, "*Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Significant Quantities of Special Nuclear Materials.*"