

## BASELINE REQUIREMENTS FOR SUBCONTRACTS SUBJECT TO 10 CFR 707 (Feb 2009)

Commitment to make a good faith effort to maintain a workplace free of substance abuse through implementation of the following:

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. Program Manager, Name, Title, Address, Telephone and Fax Number.
2. Written policy statement prohibiting use, possession, sale, distribution or manufacture of illegal drugs by any employee or individual performing subcontract work at sites owned or controlled by DOE.
3. Statement that the anti-drug policy in 2 above has been distributed (or prior to start-up of subcontract work will be distributed) to all individuals who will perform work on the subcontract.

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. Education and Training. Plans for instruction of supervisors and employees concerning:
    - a. Problems of substance abuse, including illegal drug use.
    - b. Availability of assistance through the Employee Assistance Program (EAP) and/or referral to other resources.
    - c. Penalties that may be imposed upon employees for drug-related violations occurring on the DOE site.
  5. 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.
  6. Provision for imposing one of the following actions, with respect to 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;
    - 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 a rehabilitation program, the subcontractor must take appropriate personnel action up to and including termination, in accordance with the subcontractor's policies.
  7. Employee Assistance Program (EAP).
    - a. Information about the EAP, including duties and responsibilities of the provider.
    - b. EAP provider name, title, address, phone and fax number.
  8. Specimen Collection and Testing.
    - a. Process for collection and testing.
    - b. Testing facility name.
    - c. Medical Review Officer (MRO) name, title, address, phone and fax number.
  9. Testing Designated Positions (TDPs). If subcontractor has employees working in TDPs, the Program Document must also:
    - a. List names and job titles of employees occupying TDPs. If there are none, state none.
    - b. Prohibit any individual not free from use of illegal drugs from working in TDPs.
    - c. Notify all individuals in TDPs at least 60 days in advance of testing that they are subject to drug testing.
    - d. Assure all employees in TDPs pass a drug test as specified in the regulation before assignment to subcontract work.
    - e. Assure 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.
    - f. Assure that drug testing of an employee will be conducted:
      - (i) if there is reasonable suspicion of drug use;
      - (ii) following an occurrence as defined in the regulation;
      - (iii) as a follow-up to drug rehabilitation.

- g. Policy/procedure if an employee:
    - (i) refuses to submit to a test;
    - (ii) receives a positive drug test;
    - (iii) is being returned to duty following a positive drug test.
  - h. 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.
  - i. 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.
  - j. 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.
  - k. 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.
  - l. Provide 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.
10. Assure the 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."
11. List of names and job titles of individuals who will perform work under the subcontract. If during subcontract performance changes are made to the list, updated lists must be promptly reported to UT-Battelle.
12. Records must be maintained in such a manner that permits preparation of a semiannual report, covering the periods January 1 to June 30 and July 1 to December 31, to be provided within 15 days of the close of each period.

The reports shall include the following information for each of the categories identified as TDPs:

- a. Total number of tests administered for illegal drugs.
- b. Number of tests administered in each testing category (random, occurrence, reasonable suspicion, return-to-duty, follow-up). Include and identify tests administered under authority of another Federal agency or independent contractor authority which are used to satisfy DOE requirements.
- c. Number of additional tests administered (e.g., applicant).
- d. Number of tests administered to comply with requirements of other Federal agencies.
- e. Number of individuals who received a MRO determined positive test by testing category.
- f. Number of individuals who received a MRO determined positive test by drug category.
- g. Action taken with regard to each individual who received a MRO determined positive test (e.g., referred to EAP, termination, removal from a testing designated position).