

 <u>DRUG/ALCOHOL-FREE WORKPLACE</u>	Policy Number:	HR-1010
	Issued Date:	September 2021
	Initiating Organization:	Human Resources (HR)
	Applicability:	All employees, non-employees, and employees of subcontractors

POLICY STATEMENT

ORAU strives to provide a workplace that is free of illegal drugs and alcohol, and where use of prescribed legal drugs that may affect job performance and/or safety is controlled.

POLICY RATIONALE

The purpose of this policy is to establish a workplace that is free of illegal drugs and alcohol to comply with all legal, contractual, and security clearance requirements.

POLICY REQUIREMENTS

All employees will:

- Comply with this policy and abide by the program in Attachment 1 as a condition of employment.
- Abide by the policies related to drug/alcohol use of the host organization, if assigned to another facility.
- Participate in initial and ongoing mandatory drug/alcohol training.
- Be free of illegal drugs on or off the job.
- Be alcohol free when performing work.

All non-employees and subcontractors will:

- Comply with this policy and abide by the program in Attachment 1 as a condition of their subcontract or appointment.
- Abide by the policies related to drug/alcohol use of the host organization, if assigned to another facility.

All employees, non-employees, and subcontractors in Testing Designated Positions (TDP) will:

- Be included in the TDP random testing pool in accordance with 10 CFR 707.7, *Workplace Substance Abuse Programs at DOE Sites*.
- Complete drug testing within two hours when called to do so by the Occupational Health Nurse.

ORAU will:

- Administer this policy in accordance with all applicable municipal, state and federal laws and regulations.
- View drug or alcohol use disorders as illnesses that pose serious threats to the individual, co-workers, and the public.
- Encourage early identification, self-referral, and treatment for drug or alcohol use disorders and provide employee assistance programs that offer preventive services, education, short-term counseling, rehabilitation, coordination and referral to outside agencies, and follow-up to any

employee with drug or alcohol problems.

- Take reasonable steps to ensure confidentiality of information generated in the implementation and administration of this policy.
- Conduct drug testing for evidence of illegal drugs:
 - After job offer and prior to start date.
 - On persons in TDPs.
 - For applicable security clearance processes
- Conduct drug or alcohol testing and/or searches under other specific, controlled conditions.
- Maintain and administer the random drug testing program to all individuals in the TDP.
- Inform employees, managers, employees of subcontractors, and non-employees on assignments on ORAU premises of this drug/alcohol policy.
- Conduct drug/alcohol training programs for employees and managers.
- Consider the individual rights to privacy and protection important and balance the scope and requirements of the drug/alcohol-free workplace program to ensure that any intrusion is minimized.
- Submit through Procurement Department all subcontracts to DOE that it believes are within the scope of 10 CFR Part 707. Each subcontractor will be required to implement its provisions if determined by DOE to be covered by 10 CFR Part 707.
- Require ORAU manager of the subcontract to be the principal interface with subcontractor.
- Require subcontractors' policy and application questions are referred to the ORAU manager with whom the subcontractor is working, vice president Human Resources (VPHR), or Procurement Department (i.e. purchasing manager or contracts manager), as appropriate.

Human Resources Staff (HR) will:

- Conduct initial orientation and ongoing drug/alcohol education and training programs for employees which will include:
 - The dangers of drug abuse in the workplace.
 - ORAU's policy of maintaining a drug-free workplace.
 - Any available drug counseling, rehabilitation, and employee assistance programs; and the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
- Conduct additional training program for managers which will include:
 - Managers' role and responsibilities.
 - Recognition of deteriorating job performance or judgment.
 - Observations of unusual conduct that may be a result of possible misuse or abuse of alcohol or illegal drugs.
 - Courses of actions to be taken when drug/alcohol use is suspected (intervention, rehabilitation, discipline, and other corrective actions).
 - Appropriate handling and referral of employee with possible drug/alcohol use disorder
 - Privacy and confidentiality considerations.

RESPONSIBILITIES

A. Employee

- 1) Maintains personal fitness for duty.

- 2) Cooperates with drug /alcohol testing.
- 3) Reports promptly to OHN any controlled substance prescribed by a licensed medical practitioner that may impair job performance and/or safety.
- 4) Notifies Vice President Human Resources (VPHR) in writing of any conviction for an alcohol-related offense or under a criminal drug statute violation occurring on ORAU or DOE owned premises and/or while on official ORAU business.

B. Commercial Motor Vehicle (CMV) Driver

- 1) Participates in drug/alcohol testing, fitness for duty exams, and training programs when requested as a condition of employment.
- 2) Notifies VPHR in writing of any:
 - a. Conviction for an alcohol-related offense or under a criminal drug statute violation occurring on ORAU or Department of Energy (DOE) owned premises and/or while on official ORAU business.
 - b. Drug and/or alcohol-related accident occurring while not on official ORAU business.

C. Manager

- 1) Participates in drug/alcohol training program.
- 2) Identifies and reports promptly to VPHR any employee-related accidents, reasonable suspicions of drug or alcohol use, actual on-the-job problems, or any conviction for an alcohol-related offense or a criminal drug-statute violation occurring on ORAU or DOE-owned premises and/or while on official ORAU business.
- 3) Establishes and maintains procedures and controls to ensure that all CMV drivers are identified.
- 4) Provides to OH an annual update of the listing of all such CMV drivers.
- 5) Establishes and maintains central CMV driver qualification files that meet Department of Transportation (DOT) requirements.
- 6) Notifies promptly OHN (and/or VPHR) of any post-accident drug test that is required under this policy.
- 7) Reports any hospitalization for drug or alcohol use by an employee with a security clearance to Director, Safeguards and Security.
- 8) Does not permit an employee who appears impaired to work; acts to ensure adequate health response for the employee; and then reports the situation and seeks advice from the VPHR.
- 9) Documents any situation that may involve misuse of drugs or alcohol.

D. Occupational Health Nurse (OHN)

- 1) Reviews, approves, and monitors medical and testing aspects of this policy to ensure they meet requirements.
- 2) Maintains database and ensures random and for-cause drug testing for evidence of illegal drugs is conducted on persons in TDP in accordance with 10 CFR 707.7.
- 3) Maintains the drug and alcohol testing records and protects these records from unauthorized disclosures according to all current federal regulations.
- 4) Provides copies of positive drug and alcohol testing results to the S&S department.
- 5) Works with S&S to send security clearance applicants for testing.
- 6) Coordinates with Manager, Training, Development, and Performance (TDP) to develop and implement a drug/alcohol-free workplace education and awareness program.
- 7) Recommends Medical Review Officer (MRO) and testing procedure.
- 8) Advises and assists VPHR with medical assessments and rehabilitation/treatment requirements.

- 9) Assures that policy contains appropriate guidance for all medical oversight and compliance responsibilities required by ORAU.

E. Medical Review Officer (MRO)

- 1) Follows The Medical Review Officer's Manual, MROCC's Guide to Drug Testing.
- 2) Reports all test results to OHN and provides certification when applicant/employee has met controlled substance testing requirement.
- 3) Establishes and maintains record system for both specific individual controlled substance tests and statistical summary data pursuant to this policy.

F. Director, Safeguards and Security (S&S)

- 1) Submits drug test results to DOE or other federal agency (e.g. Defense Counterintelligence and Security Agency), as appropriate, when personnel security clearance (PCL) is requested.
- 2) Reports confirmed positive drug tests for clearance holders to DOE or other federal agency holding the clearance.
- 3) Upon notification that DOE has determined a specific subcontractor is covered by 10 CFR 707.7, notifies subcontractor and its employees of their inclusion in ORAU's Workplace Substance Abuse Program and inclusion of relevant employees of a subcontractor in the TDP random testing pool.
- 4) Notifies OHN with specific information pertaining to an employee of a subcontractor or non-employee participant for whom a PCL request has been received.
- 5) Provides updates to OHN with specific information pertaining to employees of a subcontractor and non-employee participants who need to be added to and/or deleted from the TDP database.

G. Director, Procurement

- 1) Submits a DOE Contract Security Classification Specification (DOE Form 470.1) for each sub-contract requiring Foreign Ownership, Control or Influence (FOCI) determination.
- 2) Upon receipt of a favorable DOE FOCI determination, notifies Director, S&S, of all sub-contracts determined to fall within the scope of 10 CFR 707.7 and provides specific relevant information pertaining to subcontractor and subcontractor employees.
- 3) Establishes processes to incorporate a DoD Contract Security Classification Specification (DD Form 254) in each Department of Defense (DoD) classified contract.
- 4) Incorporates all relevant workplace drug substance abuse policy clauses into applicable subcontracts.
- 5) Provides updates to S&S staff with specific information pertaining to subcontractors and employees of a subcontractor with security clearances who need to be added to and/or deleted from the TDP database.

H. Manager, Training, Development, and Performance

Coordinates drug/alcohol-free workplace training for all employees and managers.

I. Vice President, Human Resources (VPHR)

- 1) Establishes processes for managers to report and handle performance and work site concerns and issues within respective operations.
- 2) Establishes processes for managers to receive training to recognize and report job performance problems, intervene and handle situations, make referrals to ORAU's EAP, and maintain employee privacy and confidentiality.

- 3) Investigates any probable or known drug or alcohol problems or violations.
- 4) Resolves any drug/alcohol-free workplace issues.
- 5) Acts as liaison with the OHN and designates the MRO.
- 6) Notifies the Director, S&S when:
 - a. He/she becomes aware that a person who possesses a security clearance is hospitalized for treatment for drug or alcohol abuse.
 - b. A person who possesses a security clearance is determined to have used illegal drugs or abused alcohol.
 - c. Employees in TDP refuse to submit to drug/alcohol tests.
- 7) Provides written notification to DOE of job classifications in the TDP random testing pool.
- 8) Provides written notification to the DOE contracting officer within ten calendar days after receiving notice from an employee or management of the employee's, non-employee participant's, or subcontractor employee's conviction under a criminal drug statute occurring in DOE owned or controlled site.
- 9) Establishes and maintains, in cooperation with the Manager, Training, Development, and Performance, initial and ongoing training, and communications for the Drug/Alcohol-Free Workplace Program.
- 10) Ensures compliance with Americans with Disabilities Act Amendment Act (ADAAA) as it relates to alcohol or drug use.
- 11) Authorizes substance testing and implements corrective action in coordination with the OHN and the employee's manager.

J. President and Chief Executive Officer

Grants permission for the use of alcohol at social events on ORAU premises.

CANCELLATION

This revised policy supersedes HR-1010 IPC dated December 12, 2017 and combines HR-1020 dated November 28, 2016.

REFERENCES

- 1) DOE Contract No. DE-SC0014664
- 2) General Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Special Nuclear Material, 10 CFR §§710.1-710.36 (2015)
- 3) Controlled Substances Act, Title 21 U.S. Code, §§ 811-812 (2012)
- 4) Drug and Alcohol Free Workplace of 1988
- 5) Personnel Security, DOE O 472.2 Chg 2
- 6) DOE G 440.1-1B, Worker Safety and Health Program for DOE (Including NNSA) Federal and Contractor Employees
- 7) DOE O 350.1, CHG 5, Chapter VIII, Contractor Workplace Substance Abuse Programs
- 8) Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, Training Requirements, and Security Plans: Title 49 CFR §§ 172.1-172.310 (2014)
- 9) Mandatory Guidelines for Federal Workplace Drug Testing Programs, Department of Health and Human Services (DHHS)

- 10) The Medical Review Officer's Manual, MROCC's Guide to Drug Testing
- 11) Department of Transportation (DOT) procedures for Transportation Workplace Drug and Alcohol Testing Programs, 49 CFR §§ 40
- 12) Workplace Substance Abuse Programs at DOE Sites, 10 CFR §§ 707.1-707.17
- 13) DoD 5220.22-M, National Industrial Security Program Operating Manual (NISPOM)
- 14) Workers Safety and Health Program, 10 CFR 851.4
- 15) Controlled Substances and Alcohol Use and Testing - Federal Motor Carrier Safety Administration, 49 CFR Part 382
- 16) Department of Transportation (DOT) Procedures for Transportation Workplace Drug and Alcohol Testing Programs, 49 CFR Part 40

ATTACHMENTS

- 1) Program Handbook
- 2) Observation Checklist
- 3) Definitions

Policy Changes

POLICY APPROVED: _____
ORAU President and CEO