

 <u>DRUG/ALCOHOL-FREE WORKPLACE</u>	Policy Number:	HR-1010
	Issued Date:	December 12, 2017
	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 REQUIREMENTS

- A. Drug/Alcohol-Free Workplace Program** This program is defined in Attachment 1, *ORAU Drug/Alcohol-Free Workplace Program Specifications*.
- B. Employee Notification of Policy and Condition of Employment**
- 1) This policy and all attachments will be made available to each current and new employee through the Shortcuts intranet web site.
 - 2) Compliance with this policy is a condition of employment.
 - 3) Employees who possess a security clearance, perform work as a commercial motor vehicle driver, a mobile equipment operator class I and II, or otherwise perform specific duties listed in the Testing Designated Positions (TDP) (Attachment 1, Testing Designated Positions, Section B) are included in the TDP random testing pool in accordance with 10 CFR 707.
- C. Subcontractor Requirements**
- 1) Subcontractors will be required to implement the regulatory provisions if determined by Department of Energy (DOE) as being covered by 10 CFR 707.
 - 2) Upon receipt of DOE determination[(relevant to 1) above], applicable subcontractor is informed by Director, Safeguards and Security (S&S) of inclusion in ORAU's Workplace Substance Abuse Program and relevant subcontractor employee's inclusion in the TDP random testing pool in accordance with 10 CFR 707.
 - 3) Applicable subcontractors are expected to adhere to ORAU's Drug/Alcohol-Free Workplace Policy while on ORAU premises as a condition of their subcontracts as well as access to premises by employees of subcontractors.
- D. Non-employee Compliance with Drug/Alcohol-Free Workplace Policy**
- 1) A non-employee is prohibited from engaging in illegal drug activity, being under the influence of illegal drugs or alcohol, or using alcohol for consumption except as authorized while on ORAU premises.
 - 2) Compliance is mandatory while on ORAU premises.
 - 3) Non-employee participants who possess a security clearance are included in the TDP random testing pool in accordance with 10 CFR 707.
 - 4) ORAU president collaborates with vice president, Human Resources (VPHR) and ensures that this policy and requirements are communicated to non-employee participants and others on site.

E. Training

1) Employee Training

- a) Initial orientation and ongoing drug/alcohol education and training programs will be established and conducted by Human Resources (HR) staff.
- b) Employee participation in training is mandatory. Training program will include:
 - The dangers of drug abuse in the workplace;
 - The Contractor'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;

2) Manager Training

- a) Drug/alcohol training is established and conducted by HR staff for all managers.
- b) Manager participation in training is mandatory. Training 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

3) Special Training

HR will establish and conduct any other training required to ensure compliance with applicable laws and regulations.

RESPONSIBILITIES

A. Employee

- 1) Ensures personal fitness for work.
- 2) Follows policy requirements and intent.
- 3) Cooperates with drug and alcohol testing when requested.
- 4) Notifies 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. Manager

- 1) 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.
- 2) Reports any hospitalization for mental health reasons or treatment for drug or alcohol use by an employee with a security clearance to director, Safeguards and Security.
- 3) Acts promptly in accordance with policy and established processes.
- 4) 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.
- 5) Documents any situation that may involve drugs or alcohol.

C. Occupational Health Nurse (OHN)

- 1) Ensures drug testing for evidence of illegal drugs is conducted as stipulated for employment and moving to a TDP position.
- 2) Maintains TDP 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.
- 3) Provides copies of positive drug and alcohol testing results to the S&S department.
- 4) Coordinates with Director, Human Resources to develop and implement a drug/alcohol-free workplace education and awareness program pursuant to policy.
- 5) Reviews, approves, and monitors medical and testing aspects of policy to ensure requirements are met.
- 6) Recommends Medical Review Officer (MRO) and testing procedure.
- 7) Maintains the drug and alcohol testing records and protects these records from unauthorized disclosures according to all current federal regulations.
- 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.

D. Director, Human Resources

- 1) Ensure drug testing arrangements are scheduled.
- 2) Maintain records on employees in TDP as a condition for employment.
- 3) Coordinates drug/alcohol-free workplace training for all employees.

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

- 1) Ensures drug test results are submitted to DOE or other federal agency (e.g. Defense Security Service), as appropriate, when PCL is requested.
- 2) Ensures confirmed positive drug tests are reported to DOE or other federal agency holding the clearance.
- 3) Upon notification that a specific subcontractor has been determined by DOE as being covered by 10 CFR 707 (relevant to F.2 below), notifies the 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 in accordance with 10 CFR 707.
- 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) Regularly 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 data base.

F. Director, Procurement & Contracts Administration (PCA)

- 1) Submits a DOE Contract Security Classification Specification (DOE Form 470.1) for each sub-contract requiring Foreign Ownership, Control or Influence (FOCI) determination. Subcontractors with a security clearance will be required to implement the regulatory provisions if determined by DOE as being covered by 10 CFR 707.
- 2) Upon receipt of a favorable DOE FOCI determination [(relevant to 1) above], notifies Director, S&S, of all sub-contracts determined to fall within the scope of 10 CFR 707 and provides specific relevant information pertaining to subcontractor and subcontractor employees.
- 3) Applicable to Department of Defense (DoD) contracts; Ensures that a DoD Contract Security

Classification Specification (DD Form 254) is incorporated in each DoD classified contract, and the National Industrial Security Program Operating Manual (NISPO) (4-103a) requires that a DD 254 be issued with each Invitation for Bid, Request for Proposal, or Request for Quote. The DD Form 254 provides to the contractor (or a subcontractor) the security requirements and the classification guidance that would be necessary to perform on a classified contract.

- 4) Ensures all relevant workplace drug substance abuse clauses per HR-1010, ATTACHMENT 3, ORAU REQUIREMENTS FOR SUBCONTRACTORS FOR A DRUG/ALCOHOL-FREE WORKPLACE are incorporated into applicable subcontracts as required.
- 5) Provides regular update 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 data base.

G. 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) Ensures that managers are trained 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) Reports to Director, S&S the following situations:
 - a. When he/she becomes aware that a person who possesses a security clearance is admitted to or undergoes treatment for a drug or alcohol use or nervous/mental disorder.
 - b. When a person who possesses a security clearance is determined to have used illegal drugs or has misused or abused alcohol.
- 7) Reports to Director, S&S refusal of employees in TDP to submit to drug/alcohol tests.
- 8) Provides written notification to DOE of job classifications in the TDP random testing pool.
- 9) 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.
- 10) Establishes and maintains, in cooperation with the Director, Human Resources, initial and ongoing training, and communications for the Drug/Alcohol-Free Workplace Program.
- 11) Advises on policy interpretations and applications.
- 12) Ensures compliance with Americans with Disabilities Act Amendment Act (ADAAA).
- 13) Authorizes substance testing and implements corrective action.
- 14) Ensures that policy is published and communicated to each employee.

CANCELLATION

This revised policy supersedes HR-1010 IPC dated June 2, 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) Personnel Security, DOE O 472.2
- 5) DOE G 440.1-1B, Worker Safety and Health Program for DOE (Including NNSA) Federal and Contractor Employees
- 6) DOE O 350.1, CHG 5, Chapter VIII, Contractor Workplace Substance Abuse Programs
- 7) Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, Training Requirements, and Security Plans: Title 49 CFR §§ 172.1-172.310 (2014)
- 8) Mandatory Guidelines for Federal Workplace Drug Testing Programs, Department of Health and Human Services (DHHS)
- 9) Medical Review Officer Manual [DHHS Publication No. (ADM)[88-1526]
- 10) Procedures for Transportation Workplace Drug and Alcohol Testing Programs, 49 CFR §§ 40
- 11) Workplace Substance Abuse Programs at DOE Sites, 10 CFR §§ 707.1-707.17
- 12) DoD 5220.22-M, National Industrial Security Program Operating Manual (NISPOM)
- 13) Workers Safety and Health Program, 10 CFR 851.4
- 14) HR-1020, Controlled Substance Testing and Alcohol Use and Testing Commercial Motor Vehicle Drivers
- 15) GP-1100, Occupational Medical Program

ATTACHMENTS

- 1) [ORAU Drug/Alcohol Free Workplace Program Specifications](#)
- 2) [Observation Checklist](#)
- 3) [ORAU Requirements for Subcontractors for Drug/Alcohol-Free Workplace](#)
- 4) [Definitions](#)

Policy approved and signed by H.A. Page, ORAU President and CEO, on December 12, 2017.