

BASELINE REQUIREMENTS FOR SUBCONTRACTS SUBJECT TO 10 CFR 707 (DEC 2014)

Sellers whose agreement(s) contains the Workplace Substance Abuse Program (WSAP) clause have the following deliverables to the Company Workplace Substance Abuse Program Administrator:

- 1) A written program WSAP document consistent with the requirements of 10 CFR 707 Subpart B and DHHS Mandatory Guidelines for Federal Workplace Drug Testing Programs submitted within 30 days of notification by the Company that the agreement or proposed agreement falls within the scope of 10 CFR 707 (WSAP Clause). The current version of 10 CFR 707 can be located at <https://www.ecfr.gov/cgi-bin/text-idx?SID=abf31ff0b967f4837298bd06bac42166&mc=true&node=pt10.4.707&rqn=div5>
 - a. The following documents are included in the WSAP packet provided by the Company:
 - i. A generic WSAP document. This document can be modified to fit the Seller or utilized as guidance in development of the Seller's WSAP document.
 - ii. A WSAP document review checklist. This is the checklist utilized by the Company to review each WSAP document and can act as a guideline for development of a WSAP document.
 - iii. Generic WSAP bi-annual report document. This document can be modified to fit the Seller or utilized as guidance in development of the Seller's WSAP report document.
 - b. The Company's Workplace Substance Abuse Program Administrator must be notified immediately when the WSAP document is revised or replaced.
 - c. The revised or new WSAP document is subject to the same review and approval process as the initial document and must be provided to the Company's Workplace Substance Abuse Program Administrator prior to implementation.
- 2) A list of testing designated positions (TDP), as defined by 10 CFR 707.7(b), and the names and badge numbers of employees that are assigned to the positions. (Utilize the Company's form "UT-Battelle, LLC Subcontractor TDP Employee Information Report.")
 - a. The TDP and assigned employee list must be updated and submitted immediately when TDPs are eliminated or added and/or when personnel assigned to the TDPs are eliminated or added.
- 3) A written WSAP report to the Company Workplace Substance Abuse Program Administrator semi-annually (January 1 to June 30 and July 1 to December 31) within 15 days of the close of each period 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 the Company to properly monitor the program and report drug matters to DOE as appropriate.

One WSAP document can cover multiple agreements. If the Company issues a new agreement with WSAP provisions and the Seller will utilize their existing WSAP the following must be provided:

BASELINE REQUIREMENTS FOR SUBCONTRACTS SUBJECT TO 10 CFR 707 (DEC 2014)

- 1) Notification to the Company Workplace Substance Abuse Program Administrator of the intent to add an agreement to the WSAP document. This notification must include:
 - a. New agreement number.
 - b. Statement that the WSAP document has not been modified.
 - c. List of TDPs for the new agreement.
 - d. List of personnel filling the TDPs that includes names and badge numbers.

Baseline elements of a WSAP document are located in 10 CFR 707.5. Details of how the elements must be implemented are located throughout the remainder of 10 CFR 707. Below is a guideline for development of an acceptable WSAP document. This is meant as a guideline only as it is the responsibility of each Seller to review and interpret 10 CFR 707 prior to development and implementation of its WSAP. If the Seller wishes to consult with the Company Workplace Substance Abuse Program Administrator, they can contact the Company's Labor Relations Office at 865-574-4449 Monday thru Friday between the hours of 7 AM and 3:30 PM EST.

The Seller's WSAP document must include, but is not limited to, the following elements:

- Program Manager Name, Title, Address, Telephone
- Statement prohibiting the use, possession, sale, distribution or manufacture of illegal drugs by any individual performing subcontract work at sites owned or controlled by DOE.
- Plans for instruction of supervisors and employees concerning problems of substance abuse, including illegal drug use, and the availability of assistance through the employee assistance program and referrals to other resources, and the penalties that may be imposed upon employees for drug-related violations occurring on the DOE owned or controlled site.
- Statement that the anti-drug policy has been distributed, or will be distributed prior to the start of subcontracted work, to all individuals who will perform work on the subcontract.
- Condition of employment statement that includes:
 - Employee must abide by the terms of the WSAP.
 - Employee must notify their employer in writing of the employee's conviction under a criminal drug statute for a violation occurring on the DOE owned or controlled site no later than 10 calendar days after such conviction.
- Provision for written notification to the Company's WSAP Administrator within 10 calendar days after receiving notice under paragraph (a)(3)(ii) of §707.5, from an employee or otherwise receiving actual notice of an employee's conviction of a drug-related offense.
- Provision for imposing one of the following actions (Items 7a and 7b of this checklist), with respect to any employee who is convicted of a drug-related violation occurring in the workplace, within 30 calendar days after receiving such notice of conviction under paragraph (a)(4) of §707.5.

BASELINE REQUIREMENTS FOR SUBCONTRACTS SUBJECT TO 10 CFR 707 (DEC 2014)

- Taking appropriate personnel action against any employee who is convicted of a drug-related violation occurring in the workplace, up to and including termination, or:
- Offering any employee who is convicted of a drug-related violation occurring in the workplace (first time offender), consistent with the Seller's policies, an opportunity to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes 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 Seller must take appropriate personnel action, up to and including termination, in accordance with the Seller's policies.
- Commitment to make a good faith effort to maintain a workplace free of substance abuse through implementation of paragraphs (a)(1) through (a)(5) of §707.5.
- Provide the Company with a complete list of TDPs. Changes must be communicated to the Company immediately.
- Provide the Company with a complete list of employees and badge numbers assigned to TDPs. Changes must be communicated to the Company immediately.
- Prohibit individuals who are not free from the use of illegal drugs from working in TDPs.
- Sanctions for individuals in TDPs who violate the prohibitions of paragraphs (a)(1) or (b)(2) of §707.5.
- Notification, at least 60 days in advance of initiating testing, to those individuals subject to drug testing, unless the Seller is currently conducting a testing program.
- Urine drug analysis of applicants for TDPs before final selection for employment or assignment.
- Random urine drug analysis for employees in TDPs.
- Urine drug analysis for employees in testing designated positions on the basis of reasonable suspicion, as a result of an occurrence, or as a follow-up to rehabilitation.
- Random urine drug analysis and urine drug analysis on the basis of reasonable suspicion or as the result of an occurrence, for any individual with unescorted access to the control areas of certain DOE reactors (see §707.7(c)).
- Written notice to the Seller by an employee in a testing designated position of a drug-related arrest or conviction, or receipt of a positive drug test result regarding that employee, as soon as possible but within 10 calendar days of such arrest, conviction, or receipt.
- Appropriate action, if any, to be taken regarding an employee who: (A) is arrested for or convicted of a drug-related offense; or (B) has a positive drug test result (consistent with §707.14).
- Provision to employees of the opportunity for rehabilitation, consistent with the Seller's policies, under circumstances as provided in this part (see §707.14(b));
- Immediate notification to the Company's security officials and WSAP Administrator whenever the circumstances in connection with procedures under this part raise a security

BASELINE REQUIREMENTS FOR SUBCONTRACTS SUBJECT TO 10 CFR 707 (DEC 2014)

concern as provided in DOE Orders, rules and regulations; such circumstances including, but are not necessarily limited to, a determination that an individual holding a DOE access authorization has used an illegal drug.

- Each Seller's written policy and procedures shall comply with the requirements of 10 CFR part 710, "Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Significant Quantities of Special Nuclear Material."
- Testing program is consistent with Department of Health and Human Services "Mandatory Guidelines for Federal Workplace Drug Testing Programs".
- Availability of assistance through either an EAP or referrals to other sources such as www.samhsa.gov (Substance Abuse and Mental Health Services Administration).
- Refusal to submit to a test or an adulteration of a urine sample will be treated in the same manner as a positive test for illegal drugs.
- When an applicant for employment has been tested and determined to have used an illegal drug, processing for employment will be terminated and the applicant will be so notified.
- When an employee who is in a TDP has been tested and determined to have used an illegal drug, the Seller shall immediately remove that employee from the TDP.
 - If such employee also holds, or is an applicant for, an access authorization, then the Seller shall immediately notify the Company's WSAP Administrator for appropriate adjudication.
- An employee who has been removed from a testing designated position because of the use of illegal drugs may not be returned to such position until that employee has: (1) Successfully completed counseling or a program of rehabilitation; (2) Undergone a urine drug test with a negative result; and (3) Been evaluated by the site occupational medical department, which has determined that the individual is capable of safely returning to duty.
- An individual who is not an employee of a Seller who has been denied unescorted access to the control areas of certain DOE nuclear reactors because of the use of illegal drugs may not have the unescorted access reinstated until that individual has: (1) Provided evidence of successful completion of counseling or a program of rehabilitation; (2) Undergone a urine drug test with a negative result; and (3) Been evaluated by the site occupational medical department, which has determined that the individual is capable of being permitted unescorted access to a reactor control area.
- Process for collection and testing.
- Sample collection site and testing laboratory name and location.
- Designated Employer Representative Name, Title, Address, Email and Phone.
- Provision for providing the Company written reports bi-annually for performance periods January 1 to June 30 and July 1 to December 31. Reports must be submitted within 15 days of the close of each subcontract performance period, no later than July 15th and January 15th, respectively. Each report consists of two parts:

BASELINE REQUIREMENTS FOR SUBCONTRACTS SUBJECT TO 10 CFR 707 (DEC 2014)

- Part 1 of this report must reflect all WSAP activity including, but not limited to, training, drug tests administered by type, test results and any cases giving rise to a drug or security concern.
- The “UT-Battelle, LLC Subcontractor TDP Employee Information Report” form which lists the Seller’s Designated Employer Representative (DER), TDPs and the employees filling the TDPs utilizing.