

ORNL Check-List for Contractor Compliance with Part 707 - Workplace Substance Abuse Program at DOE Sites

Note: See 10CFR707.4 for Definitions

Subcontractor:	
Agreement No:	
Program Manager:	
Program Manager Contact Info:	

Item #	CFR Reference	Subject	WSAP Program Document Reference
1		Program Manager Name, Title, Address, Telephone	
Workplace Substance Abuse Program Baseline Elements			
2	707.5(a)(1)	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.	
3	707.5(a)(2)	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.	
4	707.5(a)(3)	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.	
5	707.5(a)(3)	Condition of employment statement that includes Items 5a and 5b of this checklist.	
5a	707.5(a)(3)(i)	Employee must abide by the terms of the WSAP.	
5b	707.5(a)(3)(ii)	Employee must notify the 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.	

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6	707.5(a)(4)	Provision for written notification to the UT-B contracting officer 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.	
7	707.5(a)(5)	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 (Item 6 of this checklist).	
7a	707.5(a)(5)(i)	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	
7b	707.5(a)(5)(ii) 707.14(b)(1)	Offering any employee who is convicted of a drug-related violation occurring in the workplace (first time offender), consistent with the contractor'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.	
7c	707.5(a)(5)(ii)	If the employee does not participate in such a rehabilitation program, the contractor must take appropriate personnel action, up to and including termination, in accordance with the contractor's policies.	
8	707.5(a)(6)	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 (Items 2 thru 7b of this checklist).	
Workplace Substance Abuse Program Baseline Elements for Contractors with Testing Designated Positions			
9	707.5(b)(1)	Notify UT-B of the positions subject to drug testing (TDPs). Changes must be communicated to UT-B immediately.	
9a	707.5(b)(1)	Notify UT-B of personnel and badge numbers holding TDPs. Changes must be communicated to UT-B immediately.	
10	707.5(b)(2)	Prohibit individuals who are not free from the use of illegal drugs from working in TDPs.	
11	707.5(b)(3)	Sanctions for individuals in TDPs who violate the prohibitions of paragraphs (a)(1) or (b)(2) of §707.5 (Items 2 and 10 of this checklist).	
12	707.5(b)(4)(i)	Notification, at least 60 days in advance of initiating testing, to those individuals subject to drug	

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		testing, unless the contractor is currently conducting a testing program.	
12a	707.5(b)(4)(ii)	Urine drug analysis of applicants for testing designated positions before final selection for employment or assignment.	
12b	707.5(b)(4)(iii)	Random urine drug analysis for employees in TDPs.	
12c	707.5(b)(4)(iv)	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.	
12d	707.5(b)(4)(v)	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)).	
12e	707.5(b)(4)(vi)	Written notice to the contractor 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.	
12f	707.5(b)(4)(vii)	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).	
13	707.5(b)(5)	Provision to employees of the opportunity for rehabilitation, consistent with the contractor's policies, under circumstances as provided in this part (see §707.14(b));	
14	707.5(b)(6)	Immediate notification to UT-B security officials whenever the circumstances in connection with procedures under this part raise a security 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.	
15	707.5(c)	Each contractor'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."	
16	707.5(a)	Testing program is consistent with Department of Health and Human Services "Mandatory Guidelines for Federal Workplace Drug Testing Programs".	
17	707.6(a)	Availability of assistance through either an EAP or referrals to other sources such as www.samsha.gov (Substance Abuse and Mental Health Services Administration).	

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18	707.12	Refusal to submit to a test or adulteration of a urine sample will be treated in the same manner as a positive test for illegal drugs.	
19	707.14(a)	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.	
20	707.14.(b)	When an employee who is in a testing designated position has been tested and determined to have used an illegal drug, the contractor shall immediately remove that employee from the TDP.	
20a	707.14.(b)	If such employee also holds, or is an applicant for, an access authorization, then the contractor shall immediately notify DOE security officials for appropriate adjudication.	
21	707.14(c)	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.	
WSAP Random Drug Testing Program			
22		<p>Provide UT-Battelle, LLC 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:</p> <p>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.</p> <p>Part 2 of this report must contain the “UT-Battelle, LLC Subcontractor TDP Employee Information Report” form listing the Seller’s Designated Employer Representative (DER), TDPs and the employees filling the TDPs.</p>	

Date Submitted:

Date Review Complete: