



UPF ADOPTED PROCEDURE APPROVAL (APA) FORM

UPF Document Number:	APA-UPF-NSE-00011	Rev:	1
UPF Procedure Title:	UPF Workplace Substance Abuse Plan		
Bechtel Procedure Number:	NSE-00011	Rev:	1
Bechtel Procedure Title:	Bechtel National Incorporated (BNI) Workplace Substance Abuse Plan		
Effective Date of APA:	01/31/23		
Description of Need (<i>attach continuation page[s] if needed</i>): Contractual requirements for BNI to have a Workplace Substance Abuse Plan.			
Implementation of this procedure is required to (<i>restate purpose of procedure here</i>): Implementation of this procedure is required for BNI to have a Workplace Substance Abuse Plan.			
UPF Project-Specific Deviations/Enhancements (<i>attach continuation page[s] if needed</i>): <p>Section 2, Scope, Second Paragraph, First Sentence – after the words “on-site work” include “at the Y-12 National Security Complex,”</p> <p>Section 2, Scope – references the UPF location as 2410 Cherahala Drive and UPF is not located at this address, therefore, 2410 Cherahala Drive is no longer a UPF facility. The UPF Project Site is now located at the Y-12 National Security Complex.</p> <p>Section 2, Scope, Second Paragraph, First Sentence – after “Oak Ridge TN area,” include “(1060 Commerce Park Drive, K1065E, K-31 Laydown Area, Laydown Area #2, MEB Warehouse), working part-time telework or full-time telework,”</p> <p>Section 5, Item 5.2 Human Resources Manager, Bullet 3 – Identifying employees for Random Testing. Y-12 Medical provides the list for random testing.</p> <p>Section 5, Item 5.8 Supervisor, Bullet 5 – Employee Assistance Program, should be included at the end of Bullet 4 and should read “Consulting with Human Resources regarding potential employee referrals to the Employee Assistance Program”.</p> <p>Section 5, item 5.9 Employee, Bullet 7 – “Reasonable Suspicion” of illegal drug or alcohol use, should be included at the end of Bullet 6 and should read “Notifying their supervisor if they believe that a co-worker’s actions establish “Reasonable Suspicion” of illegal drug or alcohol use.</p> <p>Section 7, Procedure, Item 7.3.1.3 – references the UPF location as 2410 Cherahala Drive and UPF is not located at this address, therefore, 2410 Cherahala Drive is no longer a UPF facility. The UPF Project Site is now located at the Y-12 National Security Complex.</p> <p>Section 7, Procedure, Item 7.3.1.3 – after “...who are performing on-site work, add: “working part-time telework or full-time telework,”</p> <p>Section 7, Procedure, Item 7.3.1.1 – references sections 7.3.2 and 7.3.7 applies to all employees. So does section 7.3.3 and it should be included in this reference.</p> <p>Section 7, Procedure, Item 7.3.1.4, #2 – references section 6.3.8. It should reference section 7.3.8</p> <p>Section 8, RECORDS, remove “in accordance with UPF Project Records Management” from records statement. These records are not maintained by UPF Document Management</p>			

Adopted Document(s) List


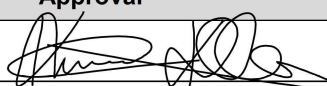
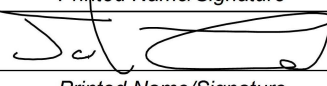


(for adopted Manuals only; add lines/table as necessary)

UPF Procedure Number	Procedure Title	Rev.	Revised or New?	Quality Requirements?	UPF Project-Specific Deviations/Enhancements
N/A	N/A	N/A	N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	N/A

Preparer



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REVISION HISTORY

Revision	Description	Intent	Non Intent
01	Records statement on APA form revised to remove “Y15-95-800, <i>UPF Document Management</i> ” and add “the terms of the subcontract of the UPF Occupational Healthcare Provider” Added ES&H Manager, NS&E, to APA signature page	X	
00	Initial issue (supersedes BSII-00011, Rev 000 dated December 17, 2014)	N/A	

RECORDS

Records generated by this Procedure shall be maintained in accordance with the terms of the subcontract of the UPF Occupational Healthcare Provider. Records generated during the performance of this Procedure include:

Record or Form Number	Record Title	Systems/ Location	Document Type
N/A	Drug Test Results (PII)	Personnel Records	N/A



Environmental, Safety and Health Plan

Resource #: NSE-00011, Revision 001

Approved By:

**BECHTEL NATIONAL, INC. (BNI)
WORKPLACE SUBSTANCE ABUSE PLAN**

E. J. SHOOP, Manager of ES&H

Effective Date:

1. PURPOSE

It is the policy of the Bechtel National, Inc. (BNI) to maintain a workplace free of substance abuse for the safety, productivity, and overall performance of its workforce. To establish and maintain this environment, this plan identifies responsibilities for the oversight and administration of the BNI Uranium Processing Facility (UPF) Workplace Substance Abuse Program.

Further, it is the policy of BNI that the unlawful manufacture, distribution, dispensing, possession, or use of a Controlled Substance is prohibited in the BNI's workplaces. [Violation of this policy can lead to disciplinary action up to and including termination.]

This plan implements 48 CFR 52.223-6, Drug Free Workplace, Title 10 CFR, Part 707, *Workplace Substance Abuse Programs at U.S. Department of Energy Sites* and BNI Policy 409, *Drugs and Alcohol*.

2. SCOPE

This plan applies to all BNI employees and all individuals considered for employment by BNI for UPF or other federal projects.

BNI UPF personnel performing on-site work, including work in Consolidated Nuclear Security (CNS-Company) provided facilities in the Oak Ridge TN area. (e.g. 2410 Cherhala Drive facility), shall be placed in the Company's pool of employees for random drug testing, and these employees will be subject to testing by the Company's Occupational Health Services.

BNI UPF personnel performing work at locations outside the Oak Ridge, TN area (and other applicable federal projects) will follow the requirements of this plan. This plan does not apply to BNI subcontractors or sub-tier subcontractors. Subcontractors determined by BNI to be within the scope of Title 10 CFR, Part 707 shall [10 CFR 707.5(d)] shall be required to comply with Title 10 CFR, Part 707 as a condition of the subcontract. Each such subcontractor shall [10 CFR 707.5(d)] submit a substance abuse plan to BNI for approval and compliance monitoring.

BNI employees are required to abide by the terms of this plan as a condition of employment. For positions supporting the UPF project (or other applicable federal projects), applicants are required to pass a pre-placement drug screen. In addition to pre-placement drug screens, BNI employees will [10 CFR 707.2(b) and (c)] also be subject to a drug screen and breath alcohol test (BAT) for:

- Occurrences, Incidents, or Accidents;
- "Reasonable Suspicion";
- "For Cause"; or
- Random sampling

3. BACKGROUND

N/A

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4. DEFINITIONS

Accident— An event resulting in vehicle and/or property damage that does not meet the reporting levels of an Occurrence.

Administrative Negative Test Result— A determination that there is a legitimate medical explanation for a confirmed positive test result consistent with legal and non-abusive drug use.

Blood Alcohol Concentration (BAC)— The concentration of alcohol in the blood, expressed as the weight of alcohol in a fixed volume of blood and used as a measure of the degree of intoxication of an individual. This measurement is converted to a percentage, which indicates the percentage of a person's blood that is alcohol. Blood tests are not administered to UPF employees; however, breath alcohol test (BAT) results are expressed in terms of "BAC."

Breath Alcohol Test (BAT) — A breath sampling test performed in accordance with US Department of Transportation (DOT) guidelines.

Chain of Custody— Procedure for maintaining control and accountability from point of collection to final disposition of specimens, consistent with the US Department of Health and Human Services (HHS) *Mandatory Guidelines for Federal Workplace Drug Testing Programs*.

Collection Facility— A certified drug collection facility for testing of urine specimens for individuals being tested for illegal drug use, controlled substance abuse, and to detect alcohol use on company time or premises.

Collection Facility Person— A technician or other person trained and qualified to perform BATs, to take urine specimens, conduct initial urine tests, and to secure specimens for laboratory analysis if so required as part of the testing process.

Confirmed Positive Drug Test Result— A test result that was positive on an initial Federal Drug Administration (FDA) approved immunoassay test and confirmed by a gas chromatography/mass spectrometry assay (or other confirmatory tests approved by the Department of Health and Human Services).

Controlled Substance— A substance in schedules I through V of section 202 of the Controlled Substances Act ([21 U.S.C. 812](#)) and as further defined in regulation at 21 CFR 1308.11 - 1308.15.

Employee— A person employed by BNI or its affiliates, other than CNS, performing direct charged activities for the UPF Project.

Employee Assistance Program (EAP) — A program of counseling, referral, and educational services concerning substance abuse (illegal and/or prescription drugs and/or alcohol use) and other medical, mental, emotional, or personal problems of employees, particularly those which adversely affect behavior and job performance.

Fitness for Duty— The physical and mental health status that facilitates the performance of essential job duties in an effective manner and protects the health and safety of oneself, others, and property.

HHS Mandatory Guidelines— *Department of Health and Human Services' Mandatory Guidelines for Federal Workplace Drug Testing Programs* include scientific and technical requirements that define the processes for testing for the presence of drugs in the human body.

Illegal Drugs— A controlled substance included in Schedule I or II, as defined by Section 802(6) of Title 21 of the United States (US) Code, the possession of which is unlawful under Chapter 13 of that title. The term

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“illegal drugs” does not mean the medically authorized use of a controlled substance pursuant to a valid prescription that is consistent with Federal Law. For the purposes of this plan and for the avoidance of doubt, medical marijuana is an illegal drug. The usage of medically authorized drugs in excess of the prescribed strength may be considered an illegal use.

Incident— An event or condition that BNI has determined adversely affects or may adversely affect UPF personnel, the public, property, the environment, or the UPF Project.

Inspection— The act of examining an employee’s belongings, locker, lunch box, containers, tool storage, or vehicle based on reasonable suspicion that the employee uses, possesses, or is under the influence of illegal drugs, alcohol, or other controlled substances.

Leave of Absence— A leave of absence can be granted to eligible employees when compelling reasons require them to be absent from work [Bechtel Policy Manual U.S. (Redbook) Policy 903 Section B]. A drug screen is required for leave of absences that are 30 days or greater for employees in Testing Designated Positions.

Management— BNI supervision at or above the level of superintendent.

Medical Review Officer (MRO)— An individual responsible for receiving laboratory results who is a licensed physician with knowledge of substance abuse disorders and the appropriate medical training to interpret and evaluate all positive and non-negative test results together with an individual’s medical history and any other relevant biomedical information.

Negative Drug Test Results— An initial drug screen test result that does not exceed the Initial Screen Cutoff level in Table 1 of this plan.

Non-Negative Drug Test Result— An initial drug screen test result that exceeds the Initial Screen Cutoff level in Table 1 of this plan, prior to validation of the Confirmatory Screen results by the MRO.

Occurrence— An event or condition that DOE has determined adversely affects, or may adversely affect, DOE or contractor personnel, the public, property, the environment, or the DOE mission. Events or conditions meeting the criteria threshold identified in procedure 24590-UPF- GPP-SIND-001, *Occurrence Categorization and Reporting*, Appendix B are occurrences.

Point of Collection Urine Drug Screen— A urine drug screening method that provides immediate results.

Random Testing— A statistically random selection of employees (based on a neutral criterion) who are tested for alcohol consumption or illegal drug use.

Reasonable Suspicion— Suspicion based on a belief drawn from gathered facts and reasonable inferences from those facts that an employee either uses, possesses, or is under the influence of illegal drugs, alcohol, or other controlled substances on company time or premises.

Specimen Chain of Custody Form— A form used to document the security of a specimen from time of collection until completion of test by a certified laboratory.

Testing Designated Position— Testing Designated Positions have been identified by BNI as those positions involving duties that could result in significant harm to the environment, public health or safety, or national security if improperly performed. Workers in such positions are subject to alcohol and drug testing under this plan. For the UPF Project, Testing Designated Positions belong to individuals who have been granted unescorted access to the UPF construction site, have access to classified information, crane operators, and any position filled by an employee possessing an L- or Q- clearance.

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UPF Field Locations— A term that includes the UPF Project construction site and the Oak Ridge Reservation

UPF Occupational Healthcare Provider— Organizations contracted to provide medical services for the UPF Project, including drug and alcohol testing as well as medical care.

5. RESPONSIBILITIES

A designee may perform responsibilities defined in this plan for a named position.

5.1. BNI Environmental, Safety, and Health (ESH) Manager

The NS&E ESH Manager is responsible for:

- Implementing, coordinating, and administering the UPF Workplace Substance Abuse Program for employees.
- Supporting Acquisition Services in determinations of workplace substance abuse program applicability and oversight of compliance for participating subcontractors
- Providing oversight of certified laboratory and MRO contracts
- Coordinating reviews of substance abuse testing processes, protocols, and plans and ensures compliance with applicable regulations
- Providing employees and management with training and communications on drug and alcohol policies and procedures on a periodic basis [10 CFR 707.6(b)]
- Performing or coordinating work related vehicle accident investigations, including damage of government property, in conjunction with local law enforcement.

5.2. Human Resources Manager

The Human Resources Manager is responsible for:

- Ensuring BNI personnel information is up-to-date and communicated for generation of random selection lists
- Ensuring that the appropriate Employee Assistance Programs are available to BNI employees
- Identifying employees for Random Testing
- Ensuring job applicants and transferees satisfactorily complete pre- employment drug testing
- Providing assistance with employee communications and training regarding the workplace substance abuse program
- Providing and ensuring employees' training is established and maintained up to date
- Reviewing the training status of employees returning from absences to ensure their training is up to date
- Notifying Y-12 Security (or the applicable Security organization) upon receiving notification of an employee having a drug-related arrest or conviction or receipt of a non-negative or positive drug test result regarding an employee
- Notifying Y-12 Security (or the applicable Security organization) prior to an employee being terminated or suspended for violation of this plan
- Providing assistance with employee communications regarding the workplace substance abuse program

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5.3. BNI Government Surety and Security Manager

The UPF Security manager is responsible for:

- Responding to reports of “Reasonable Suspicion” events and performing inspections and investigative actions based on information provided or obtained
- Coordinating the escorting of employees out of the work area when notified
- Initiating required actions to retrieve badges and issue temporary badges so employees are properly badged prior to leaving UPF premises
- Communicating with project and DOE Security whenever the circumstances in connection with this plan raise a security concern as described in DOE Orders, rules, and regulations; such circumstances include, but are not necessarily limited to, a determination that an individual holding a DOE access authorization has used an illegal drug

5.4. Medical Review Officer (MRO)

The MRO is responsible for:

- Maintaining certification by a recognized national organization (e.g., MRO’s Certification Council) that validates the required expertise to perform medical review officer functions
- Receiving and evaluating drug and alcohol testing results in accordance with this plan and the Mandatory Guidelines for Federal Workplace Drug Testing Programs
- Notifying designated individuals in Human Resources of positive tests and administrative negative drug screen results, as appropriate; this notification is made as soon as reasonably possible and prior to any notification to the individual
- Informing employees with confirmed positive tests results of their right to request a retest of the same urine specimen at the same or another certified laboratory and that the employee shall [10 CFR 707.14(f)] bear the costs of transportation and/or retesting of the specimen if a retest is requested

5.5. Occupational Healthcare Provider

The Occupational Healthcare Provider is responsible for:

- Maintaining Sample Collection Sites and ensuring that employee(s) reporting for testing at the collection sites are attended promptly
- Conducting testing for the Workplace Substance Abuse Program
- Notifying Human Resources, Labor Relations, and Government Surety and Security, as appropriate, when employees refuse or fail a test
- Delivering testing results to the MRO
- Maintaining records and keeping them in a format readily available for audit by DOE or any other organization with the authority to audit such records

5.6. Management

Management is responsible for:

- Participating in initial substance abuse training and refresher updates
- Participating in decisions for performing “For Cause” testing and inspections

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- Understanding the notification process and actions to be taken when an employee is suspected of being under the influence of alcohol and/or drugs

5.7. Subcontract Administrator

Subcontract Administrators are responsible for:

- Verifying that covered subcontractors have implemented an approved workplace substance abuse program
- Assessing [10 CFR 707.5(d)] subcontractors to ensure continued compliance with the workplace substance abuse program
- Ensuring that the notification process for removal of subcontract employees, as a consequence of confirmed positive test results, involves UPF and Y-12 Security (or other applicable federal organizations).

5.8. Supervisor

Supervisors are responsible for:

- Participating in substance abuse training and refresher updates
- Ensuring employees are trained in accordance with job requirements
- Monitoring employees in the workplace for the effects of alcohol and other drugs with emphasis on observation and documentation of performance
- Consulting with Human Resources regarding potential employee referrals to the
- Employee Assistance Program
- Notifying Management, Human Resources or Y-12 Labor Relations, and/or Security to initiate “For Cause” testing
- Notifying Security and Human Resources or Labor Relations when an employee reports any drug or alcohol conviction in accordance with section 4.11 of this plan
- Ensuring, upon notification that an assigned employee is to be drug tested, that the employee is available and escorted to the nearest collection facility for testing; escorting is not required for employees in non-Testing Designated Positions, however, completion of the Notification of Testing form in accordance with form instructions is required

Note: Testing is to be performed on the same day as the notification is received. Once the employee is notified, a urine specimen is to be provided within one and one-half hours thereafter.

5.9. Employee

Employees are responsible for:

- Understanding and complying with this plan
- Informing the Medical Provider of any prescription or over-the-counter medication that could affect the ability to perform essential job functions in a safe manner
- Having documentation showing that prescription medications have been legally prescribed
- Consenting to random and “For Cause” drug and alcohol testing and inspections
- Providing a urine specimen within one and one-half hours of being notified that a sample request has been made

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- Notifying their supervisor if they believe that a co-worker's actions establish a
- "Reasonable Suspicion" of illegal drug or alcohol use
- Notifying Human Resources and, for individuals that hold a security clearance, BNI Surety and Security Manager, in writing, within 10 calendar days if:
 - Employee is arrested for or convicted of a drug-related crime or receives a positive drug test result

6. EMPLOYEE ASSISTANCE, EDUCATION, AND TRAINING

To support employees, the following shall [10 CFR 707.6] be made available:

6.1. Employee Assistance Program or appropriate alternative is provided to non-manual employees with emphasis on preventive services, education, short-term counseling, coordination, referral to outside agencies, and follow-up. BNI has no obligation to pay the costs of any individual's counseling, treatment, or rehabilitation beyond those services provided by the Employee Assistance Program except as provided for in BNI's benefit programs.

6.2. Training

6.2.1. All Employee Training

Education and training on the Workplace Substance Abuse Program shall [10 CFR 707.6(b)] be provided on a periodic basis to all employees as a part of the Core Training requirements including:

- a. Health aspects of substance abuse, especially illegal drug use
- b. Safety, security, and other workplace-related problems caused by substance abuse, especially illegal drug use
- c. The BNI policy
- d. Available employee assistance services

6.2.2. Managers and Supervisors

Training for managers and supervisors shall [10 CFR 707.6(b)(2)] include topics provided to all employees plus the following:

- a. Recognition of deteriorating job performance or judgment, or observation of unusual conduct which may be the result of possible alcohol or illegal drug use
- b. Responsibility to notify the manager of Human Resources or Labor Relations as appropriate when there is deterioration in performance or observed unusual conduct so they can offer alternative courses of action to assist the employee in returning to satisfactory performance, judgment, or conduct, including seeking help from the employee assistance program.
- c. Responsibility to notify UPF Security when an employee's behavior and/or actions threaten the safety and well-being of the employees and/or others
- d. Understanding of the employer policies and practices for giving appropriate consideration to the privacy interests of employees and applicants
- e. Actions required if an employee appears to be unfit for work or is suspected of possessing or having used drugs or alcohol while at BNI locations

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7. PROCEDURE

7.1. Prohibited Activities

7.1.1. Illegal Drugs

[BNI Policy Manual U.S. (Redbook), Section 409, Drugs and Alcohol]

Employees are prohibited [10 CFR 707.5(a)(1)] from using, possessing, distributing, dispensing, manufacturing, being under the influence, or otherwise being involved with illegal drugs and from abusive use of chemicals or controlled substances while on BNI or DOE property or while performing company business. In addition, such use, involvement, or abuse is prohibited at any time to the extent it violates the law or public or client confidence in safe and efficient company operations, and negatively affects BNI business or reputation by undermining public or client confidence in safe and efficient company operations. Appropriate law enforcement authorities are also notified when evidence of illegal drugs and/or paraphernalia is found at UPF controlled work locations.

7.1.2. Alcohol

[BNI Policy Manual U.S. (Redbook), Section 409, Drugs and Alcohol]

Employees are prohibited [10 CFR 707.5(a)(1)] from being under the influence of alcohol, consuming, possessing, distributing, dispensing or manufacturing alcoholic beverages, alcoholic energy drinks, or non-alcoholic beer on BNI or DOE property or while performing company business. The abuse or being under the influence of alcohol is prohibited at any time to the extent it negatively affects BNI's business or reputation by undermining public or client confidence in safe and efficient company operations.

7.2. Notices, Consent and Confidentiality

Notices will [10 CFR 707.5(a)(3)] be posted at access gates on the construction site and on appropriate employee bulletin boards informing employees of the Company's policy as set forth in this plan. The notice will also be included in the employment conditions for all personnel assigned to the UPF/or other federal projects. The notice/statement shall provide:

The use, possession, distribution, purchase, sale or being under the influence of illegal drugs and/or alcohol and the misuse of legal drugs on the BNI Federal project or any Bechtel National, Inc., Consolidated Nuclear Security, LLC or National Nuclear Security Administration property is prohibited. Further, violation of this prohibition will lead to disciplinary action up to and including termination.

New applicants, transferees, and employees, including individuals seeking Testing Designated Positions, will [10 CFR 707.5(a)(3)] receive a notification that sets forth the UPF policies prohibiting the possession, sale, distribution, or manufacture of illegal drugs or alcohol at UPF sites. The statement shall include notification to all employees that as a condition of employment under the contract, the employee will:

- Abide by the terms of the statement
- Notify UPF Security Management, Labor Relations, or Human Resources in writing within ten calendar days if arrested for, or convicted of a drug/alcohol related violation occurring on the DOE site

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Security Management, Labor Relations, or Human Resources, upon receipt of notification listed above, shall [Management Practice] notify UPF Legal.

When notified of a conviction involving a drug/alcohol related violation occurring on the DOE site, UPF Legal shall [10 CFR 707.5(a)(4)] provide a written notification to the DOE Contracting Officer or designee. This notification must occur within 10 days of receipt of an employee's written notification.

BNI shall [10 CFR 707.16(b)] maintain confidentiality of records related to illegal drug use to the extent required by applicable statutes and regulations (including, but not limited to, 42 U.S.C. 290dd-3, 42 U.S.C. 290ee-3, and 42 CFR part 2).

7.3. Testing Guidelines

The standards and requirements established for drug testing processes at BNI meet the standards and requirements found in the HHS Mandatory Guidelines [10 CFR

707.12]. These guidelines provide direction for random selection of employees for testing; obtaining urine specimens for testing; specimen chain-of-custody forms and assurances; laboratory methodology including analysis sensitivity levels; and quality control. In accordance with 10 CFR 707.11, testing shall be performed for the following drugs or classes of drugs: marijuana; cocaine; opiates; phencyclidine; and amphetamines.

Additional drugs may be added to the testing list based on drug usage information from law enforcement agencies. Appendix1 lists the substances that are tested for in the drug screening process. The test methods used in the laboratory reflect recognized industry standards and ensure a high degree of reliability in the test results.

Employees subject to the Company's Occupational Health Services Testing shall be subject to the guidelines of that program.

Screenings for alcohol using the breath alcohol test (BAT) will [49 CFR Part 40] conform to Department of Transportation (DOT) procedures. These procedures establish requirements for specimen collection, specimen analysis, quality assurance, invalid tests, refusals to test, uncompleted tests, privacy, disclosure of alcohol testing information, and recordkeeping.

7.3.1. Testing Pools

All Employees shall be subject to testing based on their position as follows:

7.3.1.1. All Assigned Employees Not in Testing Designated Positions

Except where prohibited by state law, all Employees who are not in testing Designated Positions shall be subject to testing as set forth in Section 7.3.2 and 7.3.7.

7.3.1.2. Employees Primarily Assigned to a BNI Facility in a Testing Designated Position

BNI UPF personnel in a testing Designated Position who are performing in BNI facilities shall be subject to the testing as set forth in Section 7.3.2 through 7.3.7 regardless of any provision of state law.

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7.3.1.3. Employees Primarily Assigned to a CNS or NNSA Facility (or Construction Worksite) in a Testing Designated Position

BNI UPF personnel in a Testing Designated Position who are performing on-site work, including work in CNS (Company) provided facilities in the Oak Ridge TN area. (e.g. 2410 Cherhala Drive facility), shall be subject to random drug testing by CNS. BNI reserves the right to perform additional testing consistent with that for all Employees.

7.3.2. Pre-employment Drug Testing

All applicants to the UPF Project will [10 CFR 707.8] be tested for the use of illegal drugs before final selection for employment or assignment to the position. Any transferred employees not previously tested by the Company will also be tested prior to transfer.

7.3.3. Random Drug and Alcohol Testing

Note: Commercial motor vehicle operators and supervisors that occupy Testing Designated Positions and who are subject to random testing under DOT are subject to both random testing requirements.

1. All BNI employees, both manual and non-manual, shall [10 CFR 707.7(a)(1)] be subject to random drug and alcohol testing.
2. Random testing is divided into two categories under this plan:
 - a. BNI employees working in job assignments identified as Testing Designated Positions are subject to a minimum drug and alcohol testing frequency of 30% of the group population per year [10 CFR 707.7(a)(2)].
 - b. BNI employees not working in Testing Designated Positions are subject to a minimum random drug and alcohol testing frequency of 10% of the group population per year.

7.3.4. Actions for Return from Leaves of Absence

1. BNI employees that are assigned to the construction site (Testing Designated Positions) who are away from work for 30 days or greater are to be tested for illegal drugs and alcohol by the Occupational Healthcare Provider prior to returning to work.
2. If test results are non-negative, go to Section 6.3.8, starting at Step 2, and follow the directions. Once the steps are completed and the employee is cleared by Medical, the Occupational Healthcare Provider notifies Human Resources. Human Resources reactivates employee's training profile and has employee complete training as needed.
3. If the test results are negative and the employee is cleared by Medical, the Occupational Healthcare Provider notifies Human Resources. Human Resources reactivates employee's training profile and has employee complete training as needed.
4. Once training is completed, email notification to Human Resources and UPF Security indicating that the employee has met the return to work requirements and the construction site badge can be issued or reactivated.

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7.3.5. Actions for “Reasonable Suspicion” or “For Cause” Testing

1. Reasonable Suspicion must [10 CFR 707.10(a)(1)] be established based on specific, objective facts and reasonable inferences drawn from observations indicating that drugs are being used or the employee may be under the influence of alcohol.
 - Any employee who believes that a co-worker’s actions establish a “Reasonable Suspicion” is responsible for notifying their supervisor of the situation.
 - Any manager or supervisor authorized to request a “Reasonable Suspicion” or “For Cause” testing will [10 CFR 707.6(b)(2)] receive training to assess whether an employee is under the influence of drugs or alcohol.
 - “Reasonable Suspicion” or “For Cause” testing requires [10 CFR 707.10(a)(1)] the concurrence of two or more management personnel, at least one of whom is in the direct chain of supervision for the employee in question.
 - When “Reasonable Suspicion” is established, the supervisor/manager notifies Human Resources or Labor Relations and UPF Security to initiate “For Cause” testing.

Note: The fact that an employee had a Confirmed Positive test for the use of illegal drugs at some prior time or has undergone a period of rehabilitation or treatment will [10 CFR 707.10(b)] not, by itself, be grounds for testing on the basis of reasonable suspicion.
2. The following circumstances based on information received from a credible source or independently corroborated shall [10 CFR 707.10(a)(2)] warrant a determination of “Reasonable Suspicion” or “For Cause” testing:
 - At work activities, including observed use of drugs or alcohol or manifestation of physical symptoms, behaviors, or of being under the influence of drugs or alcohol
 - Arrest or conviction of a drug related offense or identification of an individual as the focus of a criminal investigation into illegal drug possession, use, or trafficking
 - Evidence that an employee has tampered with a drug test; used a masking or altering agent, or the temperature of the urine specimen is outside the expected range
 - Accidents or incidents not meeting criteria of an occurrence, but have circumstances or evidence that generates “Reasonable Suspicion” or “For Cause”

7.3.6. Actions Following an Occurrence or Work-Related Accident or Incident

1. If an occurrence takes place, it may [10 CFR 707.9] be necessary to test individuals who could have caused or contributed to the conditions which resulted in the occurrence.
2. If an occurrence requiring immediate notification or reporting, BNI will [10 CFR 707.9] perform drug and alcohol screens on identified individuals as soon as possible after the occurrence, and within 24 hours, unless DOE determines that it is not feasible to do so.
3. In both cases, the supervisor/manager notifies Human Resources or Labor Relations for approval to initiate the test and arranges to have employee(s) escorted to a collection facility for sample collection and testing.

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7.3.7. Accident or Incident Not Meeting Criteria of an Occurrence

1. Perform drug/alcohol testing for individuals involved in an equipment-related accident in which there is damage to the equipment, vehicles, and/or facilities.
2. For other events, such as injuries not involving vehicle or property damage, where supervision has “Reasonable Suspicion”, perform steps in section 6.3.4 (1).
3. Supervision notifies Human Resources or Labor Relations for approval to initiate the test and arranges to have employee(s) escorted to a collection facility for sample collection and testing.

7.3.8. Conducting a Drug Test for Any Reason

7.3.8.1. Sample Collection

1. Sample collection shall [10 CFR 707.12(a)] utilize a chain of custody procedure for maintaining control and accountability from point of collection to final disposition of specimens.
2. Testing laboratories shall [10 CFR 707.12(a)] use appropriate cutoff levels in screening specimens to determine whether they are negative or positive for a specific drug, consistent with the HHS Mandatory Guidelines.
3. Individuals failing to provide a valid urine specimen (e.g., shy bladder, refusal to provide a specimen, or to complete paperwork) within **one and one-half hours** of notification by their manager will [Bechtel Policy Manual U.S. (Redbook), Section 409, Drugs and Alcohol] be in violation of the UPF Drug and Alcohol Policies and shall [10 CFR 707.12(b)(1)] be reported to the Human Resources or Labor Relations Manager. Disciplinary actions, in accordance with BNI policies and site work rules as appropriate, will [10 CFR 707.12(b)(1)] be applied up to and including termination.
4. Notify BNI Surety and Security if, upon confirmation of a positive test and/or refusal to test, assistance is required.

7.3.8.2. Medical Reviews

1. All test results shall [10 CFR 707.13(a)] be submitted for medical review by an MRO.
2. When there is a confirmed positive test result, the employee or applicant will [10 CFR 707.13(b)] be given an opportunity to discuss with the MRO the use of any prescription or over-the counter medication, the medical history of the employee or applicant, and any other relevant biomedical information.
 - If the MRO determines that there is an administrative negative, the MRO will [10 CFR 707.13(b)] certify that the test results do not meet the conditions for a determination of use of illegal drugs.
 - If no such certification can be made, the MRO will [10 CFR 707.13(b)] make a determination of use of illegal drugs.

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3. Determinations of illegal drug use will [10 CFR 707.13(b)] be made in accordance with the criteria provided in the MRO Manual issued by the Department of Health and Human Services [HHS Publication No. (ADM) 88–1526].

7.3.9. Actions Following a Non-Negative and/or a Confirmed Positive Drug or Alcohol Test Result

1. When an applicant for employment has been tested and determined to have used an illegal drug, the employment process is terminated and the applicant will [10 CFR 707.14(a)] be so notified.
2. **Non-Manual Employees**
 - Non-manual employees with non-negative test results due to reported (prior to selection for testing) legally prescribed medication can return to work following a medical determination of fitness for duty.
 - Non-manual employees with non-negative test results due to un-reported (prior to selection for testing) legal substances are restricted to the appropriate work area as determined by Human Resources pending completion of the MRO review and fitness for duty evaluation. Access to classified information shall be suspended pending completion of MRO review.
 - Non-manual employees who fail to pass the fitness for duty evaluation are suspended pending completion of the MRO review and fitness for duty process. The employee is allowed to return to work when the medical process determines they can work safely. Employees who fail to inform the occupational healthcare provider of any prescription or over-the-counter medication that could affect their ability to safely perform the essential functions of their job are subject to disciplinary action.
3. When an employee who is in a testing designated position has been tested and determined to have used an illegal drug or alcohol, the supervisor shall [10 CFR 707.14(b)(1)] immediately remove that employee from the testing designated position.
4. An individual who has been notified of a positive test result may [10 CFR 707.14(f)] request a retest of the same urine specimen at the same or another certified laboratory. The individual shall [10 CFR 707.14(f)] bear the costs of transportation and/or testing of the specimen. The employee will be informed of the right to request a retest under the provisions of 10 CFR 707.14 paragraph (f).
5. Based on input from the Occupational Healthcare Provider, Labor Relations or Human Resources, UPF Security, and/or Construction Management, a unified decision is made:
 - Whether the employee can safely operate a motor vehicle to leave UPF premises,
 - Or if the employee may be transported off site by another employee,
 - Or if the employee requires escorting off site,
 - Or if law enforcement intervention is required based on the employee's physical/mental condition or potential to cause harm to themselves or others.
6. Employees having confirmed positive test results (including the first offense) for illegal drugs, a BAT result equal to or greater than 0.02% BAC, or use of unauthorized substances (i.e., masking agents), shall [10 CFR 707.14(b)(1)] be subject to disciplinary actions up to and including termination.

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8. RECORDS

Records generated by this document shall be maintained in accordance with UPF Project Records Management, by the UPF Occupational Healthcare Provider in accordance with the terms of their subcontract to meet project records management requirements. Records generated during the performance of this document include:

- Drug Test Results

9. REVISION HISTORY

Revision	Description of Change	Date
001	Periodic review; no changes impacting the intent of the plan	
000	Initial Issue (supersedes BSII-00011 Rev 000 dated 12/17/2014)	04/29/2016

10. REFERENCES

10 CFR 707, Workplace Substance Abuse Programs at Department of Energy Sites

Bechtel Policy Manual U.S. (Redbook), Section 409, *Drugs and Alcohol*

Department of Health and Human Services, HHS Publication No. (ADM) 88–1526

ES&H Core Process 318

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11. APPENDIX

Appendix 1— Cutoff Levels for Drug Testing – Nanograms per Milliliter

Drug or Class of Drug	Initial Screen Cutoff ng/mL	Confirmatory Screen Cutoff ng/mL
Marijuana	50	15
Cocaine	150	100
Opiates Multi-panel	2,000	2,000
Phencyclidine	25	25
Amphetamines	500	250
Methamphetamine	500	250
Oxycodone	100	50
Barbiturates	300	200
Benzodiazepines	300	200
Methadone	300	200
MDMA (Ecstasy)	500	250
Propoxyphene	300	300
Masking Agents	N/A	

12. ATTACHMENTS

N/A

13. FORMS

N/A