

**Applies to subcontracts \$25,000 or greater and which involve:**

- 1) Access to or handling of classified information or special nuclear materials;
- 2) High risk of danger to life, the environment, public health and safety, or national security; (see attachment A below for examples of safety sensitive positions);
- 3) Transportation of hazardous materials to or from a DOE site,
- 4) Employees with L or Q clearances, or
- 5) Construction activities at the Y-12 National Security Complex.

**a) On-Site Work**

For purposes of this clause, "on-site work" is defined as work performed by Seller's employee at the Y-12 National Security Complex or in Company-leased or -controlled facilities or DOE owned or controlled facilities.

**b) Off-Site Work**

Is defined as work at possessing facilities but not Y-12 on site locations, not Company leased, but have limited areas and employees with clearance and access to classified documents.

**c) Sub-Tier Contractors to Seller**

The seller shall include this requirement in its contracts with applicable lower tier subcontract, if the applicability standards listed in the "Applies to" section above are met. References to Seller include all lower tier subcontractors falling with the "Applies to" criteria listed above.

**d) Company Approval of Seller Program**

- (1) All work falling within the "Applies to" criteria above is subject to 10 CFR 707, "Workplace Substance Abuse Programs at DOE Sites." The Seller shall develop and implement a workplace substance abuse program that complies with the requirements of 10 CFR Part 707. In accordance with 10 CFR 707.5(d), the Seller's program requires Company approval. The Seller's proposed program must be submitted to the Subcontract Administrator (SA) and approved in writing by the SA before the start of work.
- (2) Seller must also submit applicable lower-tier subcontractor workplace substance abuse programs for Company approval. The seller may either include employees of some or all subcontractors in its program, or include this clause in subcontracts for on-site work and require subcontractors to submit programs for Company approval.

**e) General Workplace Substance Abuse Program Requirements**

- (1) The Seller's workplace substance abuse program must be consistent with the baseline elements in 10 CFR Part 707.5 and the guidelines of the U. S. Department of Health and Human Services.
- (2) In addition to baseline elements in 10 CFR 707.5, the Company requires that all subcontractor employees to which the UCN-22345 applies shall be subject to random breath alcohol testing or saliva testing with devices approved by the US Department of Health and Human Services.
- (3) For all on-site work and off-site work, Seller's program must provide for pre-employment testing for illegal drugs before final selection of applicants for employment, regardless of whether such applicants will fill testing designated positions as described in section (e) below. Pre-employment testing must include, at a minimum, testing for the drugs listed in 10 CFR 707.11. Specimen collection, handling, and laboratory analysis must meet the requirements of 10 CFR 707.12, and be reviewed by a Medical Review Officer in accordance with 10 CFR 707.13.

## WORKPLACE SUBSTANCE ABUSE PROGRAM AGREEMENT

---

- (4) The Seller must notify as appropriate either the STR or the Subcontract Administrator in writing as soon as possible, or at the latest by the next business day, after the Seller receives notice -
  - Of an employee's conviction under a criminal drug statute, or
  - For employees in Testing Designated Positions (defined below), of a drug related arrest or conviction or a receipt of a positive drug test result.
- (5) Seller shall maintain files of chain-of-custody records required by 10 CFR 707.12(a) and 10 CFR 707.16(d) and submit copies to the SA upon request. The Seller and lower-tier subcontractors must require that laboratory records relating to positive drug test results be maintained in the manner and for the periods required by 10 CFR 707.16(c).
- (6) The Seller must use only drug-testing laboratories certified by the Department of Health and Human Services under Subpart C of the HHS "Mandatory Guidelines for Federal Workplace Drug Testing Programs." [See 10 CFR 707.12(a)]. The HHS Mandatory Guidelines are available at <http://dwp.samhsa.gov/>. The Seller shall provide a copy of the certification to the SA upon request. Seller must retain pre-employment testing records in accordance with 10 CFR 707.16. When an applicant has been tested and determined to have used an illegal drug, the Seller must terminate processing for employment and so notify the applicant.
- (7) As required by 10 CFR 707.5(d), the Company will monitor the Seller's implementation of its program for effectiveness and compliance with 10 CFR Part 707. The Seller must submit a written report, if appropriate, to the SA of drug tests completed before mobilization or commencing authorized work. At the Company's request, the Seller must submit additional reports of tests completed during performance.
- (8) The Seller shall in all cases remove from on-site work at Y-12 any employee who is twice determined to have used illegal drugs.

**f) Testing Designated Positions.**

- (1) In addition to the general workplace substance abuse program provisions, Seller must determine if it has employees in testing designated positions (TDPs) as defined below and performing on-site work. If the Seller has no TDPs (potentially the case for uncleared construction subcontractor employees not possessing a Facility Clearance) the program must so state. If the Seller has employees in TDPs performing work on-site, then prior to beginning work under this subcontract, Seller must provide the SA with a list of all TDP employees, and Seller's program must comply with the provisions of 10 CFR Part 707 regarding TDPs. Thereafter, Seller must notify the SA of any additions or deletions of employees in TDPs within 48 hours.
- (2) Seller's program must always identify as TDPs those positions involving certain high-risk work listed in Part 707, access to classified information, construction, and crane operators, and any positions filled employees holding an L or Q-clearance.
- (3) Seller employees in TDPs who perform work on-site will be subjected to the following drug testing by Company:
  - (i) Random drug testing at the rates specified in 10 CFR 707.7,
  - (ii) Drug testing as a result of an occurrence (see 10 CFR 707.9), and
  - (iii) Drug testing for reasonable suspicion of illegal drug use (see 10 CFR 707.10).

## WORKPLACE SUBSTANCE ABUSE PROGRAM AGREEMENT

---

- (4) Seller's employees located on-site will be placed in Company's pool of employees for random drug testing, and these employees will be subject to testing by Company's Occupational Health Services (OHS). Seller's representative will be notified by Company's OHS when Seller's employee is selected for random drug testing. Seller's representative will notify Company's OHS when Seller's employee has been notified of his/her duty to report to Company's OHS. Upon notification by Seller's representative, Seller's employee will have one and one-half hours to report to Company's OHS.

**g) Other Remedies**

In addition to any other remedies available to the Company, the Seller's failure to comply with the requirements of 10 CFR Part 707 or to perform in a manner consistent with its approved program may render the Seller subject to suspension of payments or termination for default, or suspension and debarment.

**h) Notification**

The Seller must notify the SA not later than ten days before award of any subcontract at any tier for on-site or off-site work that the Seller has reason to believe may require a program that complies with 10 CFR Part 707.

NOTE: Elements of this clause are modeled on DEAR 970.5223-4 (DEC 2010)

- A.** Any subcontract awarded as a result of this solicitation may be subject to the policies, criteria and procedures of Workplace Substance Abuse Program.
  - B.** Offeror certifies that it ☐ has, ☐ has not, developed a written workplace substance abuse program consistent with the requirement outlined in the Company Workplace Substance Abuse Program – and agrees to develop (as required) and provide a written copy of the program to the Subcontract Administrator within 30 days of notice of award.
  - C.** Failure of the Offeror to agree to submit the plan after award, renders the offeror unqualified and ineligible for award.
- 

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Company

## Attachment A

Criteria	Examples of Occupation/Position	Essential Job Function that Meets Criteria	Obvious and Immediate Risk to Health and Safety
Employees who routinely operate heavy equipment in proximity to pedestrians or public roadways	<ul style="list-style-type: none"> <li>Crane Operator</li> <li>Forklift Operator</li> <li>Material Handler</li> </ul>	<p>Operate forklift or pallet jack to load materials in warehouse environment</p> <p>Operate crane in construction area</p>	Momentary inadvertence or inattention could result in loss of control of the machine, improper loading, or loss of control of the load. Loss of control of the machine or load in close proximity to employees poses an immediate and obvious risk of an employee suffering serious injury or death if struck by the equipment or the load.
Employees who routinely drive company or government vehicles on site or on public roadways	<ul style="list-style-type: none"> <li>Emergency Vehicle Operator</li> <li>Heavy Equipment Operator</li> <li>Mobile Equipment Operator</li> <li>Shuttle/taxi driver</li> <li>Truck Driver</li> </ul>	Drive vehicles in and around site and on public roadways	Momentary inadvertence or inattention could result in loss of control of vehicle or operation of vehicle in an improper area (e.g., wrong lane or in a pedestrian area). Loss of control of the vehicle or driving in an improper area poses an immediate and obvious risk of serious injury or death to drivers, passengers, and pedestrians.
Employees charged with providing emergency, medical, and fire services as part of their regular duties	<ul style="list-style-type: none"> <li>Firefighter</li> <li>Paramedic</li> <li>Physician</li> <li>Physician Assistant</li> <li>Nurse Practitioner</li> <li>Registered Nurse</li> </ul>	<p>Respond to emergency fire and medical events</p> <p>Perform medical procedures or provide medication</p>	Momentary inadvertence or inattention could result in harm to the health and safety of employees in need of emergency services and/or medical care.
Employees who routinely work directly with live electric and/or gas lines	<ul style="list-style-type: none"> <li>Electrician</li> <li>HVAC Technician</li> <li>Insulator</li> <li>Pipefitter</li> <li>Utility Operator</li> <li>Welder</li> </ul>	Install, inspect, or maintain wiring, lighting, ventilation, piping, or air conditioning systems	Momentary inadvertence or inattention while working with electricity could result in electrical shock, burns and/or fires. Electricity could be the source of ignition in a potentially flammable or explosive atmosphere. Employees working with natural gas face health risks from exposure as well as risk of fire and explosion due to ignition of flammable vapors.
Employees who routinely work directly with live electric and/or gas lines	<ul style="list-style-type: none"> <li>Electrician</li> <li>HVAC Technician</li> <li>Insulator</li> <li>Pipefitter</li> <li>Utility Operator</li> <li>Welder</li> </ul>	Install, inspect, or maintain wiring, lighting, ventilation, piping, or air conditioning systems	Momentary inadvertence or inattention while working with electricity could result in electrical shock, burns and/or fires. Electricity could be the source of ignition in a potentially flammable or explosive atmosphere. Employees working with natural gas face health risks from exposure as well as risk of fire and explosion due to ignition of flammable vapors.
Employees who work directly with nuclear or radiological materials that would pose an obvious and immediate risk to health and safety of employees or the public if inadvertently mishandled	<ul style="list-style-type: none"> <li>Chemical Operator</li> <li>Radiological Control Technician</li> <li>X-Ray Technician</li> </ul>	<p>Handle radioactive sources</p> <p>Perform work in radiological area</p>	Momentary inadvertence or inattention could lead to radiation exposure resulting in serious acute or chronic health effects to employees. Exposure well in excess of regulatory limits may result in death.

## WORKPLACE SUBSTANCE ABUSE PROGRAM AGREEMENT

Employees who work directly with chemicals or toxic materials that would pose an obvious and immediate risk to the health or safety of employees or the public if inadvertently mishandled	<ul style="list-style-type: none"> <li>▪ Lab Technician</li> <li>▪ Chemist</li> <li>▪ Drum Handler</li> <li>▪ Environmental Engineer</li> <li>▪ Industrial Hygienist</li> <li>▪ Waste Management Technician</li> </ul>	Handle chemical or toxic substances	Momentary inadvertence or inattention could result in exposure that causes serious harm to employees or places the public at risk due to an environmental release.
Employees who routinely use or maintain machinery or equipment where momentary inadvertence would pose an obvious and immediate risk to the health or safety of employees	<ul style="list-style-type: none"> <li>▪ Machine Cleaner</li> <li>▪ Machine Operator</li> <li>▪ Machinist</li> <li>▪ Mechanic</li> </ul>	Work with machines that have moving or rotating parts	Momentary inadvertence or inattention could result in hazard exposure to users including pinch points, wrap points, shear points, crush points, pull-in points, and the potential for launching of objects from equipment.
<p>Employees who work on a construction site where momentary inadvertence would pose an obvious and immediate risk to the health or safety of employees</p> <p><i>*See sections above for operating of heavy equipment/machines with moving parts and work with electrical/gas lines</i></p>	<ul style="list-style-type: none"> <li>▪ Carpenter</li> <li>▪ Construction Supervisor</li> <li>▪ Iron Worker</li> <li>▪ Construction Laborer</li> <li>▪ Pipefitter</li> <li>▪ Rigger</li> <li>▪ Structural Engineer</li> <li>▪ Teamster</li> </ul>	<p>Work at heights or in area at risk of being struck by falling objects</p> <p>Work in areas with ground hazards such as excavations, formwork, or electrical cables</p> <p>Handle hazardous materials that can cause explosions or burns</p>	Momentary inadvertence or inattention to potential hazards present on a construction site could result in falls, head injuries from falling debris, crush injuries, electrical shocks or burns.

Excerpt from CNS Workplace Substance Abuse Program Procedure Y11-411 03/04/2025