

Contact Person	Lynnette Witt	Revision	2
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CONTRACTOR WORKPLACE SUBSTANCE ABUSE PROGRAM AND DRUG TESTING POLICY

The purpose of this policy is to define the Contractor Workplace Substance Abuse program and Drug Testing policy implemented by the Ames Laboratory as required by DEAR 970.5223.4 and DOE O 350.1. Under this Order, the Ames Laboratory and its contractor, Iowa State University (ISU), have established a policy and program for testing to maintain a workplace free from the use of illegal drugs. The procedures include detection of the use of illegal drugs by current or prospective contractor employees in testing designated positions. The Ames Laboratory and ISU expect and require that all employees, subcontractors, and non-employees report to work in an appropriate mental and physical condition to carry out their responsibilities safely and effectively, absent of any impairment due to the use of controlled substances or alcohol.

1.0 APPROVAL RECORD

- Reviewed by: Document Control Program Assistant (Molly Granseth)
- Approved by: Interim Manager, Human Resources (Lynnette Witt)
- Approved by: Occupational Medicine (Dr. Margaret Evans, DO)
- Approved by: Manager, Purchasing & Property Services (Andrea Spiker)
- Approved by: Chief Operations Officer (Mark Murphy)
- Approved by: Legal Counsel (Barbara Biederman)
- Approved by: Assistant Director for Scientific Planning (Cynthia Jenks)
- Approved by: Associate Director for Sponsored Research Administration (Deb Covey)
- Approved by: Chief Research Officer (Duane Johnson)
- Approved by: Deputy Director (Tom Lograsso)
- Approved by: Laboratory Director (Adam Schwartz)

The official approval record for this document is maintained by Training & Documents, 105 TASF.

2.0 REVISION/REVIEW INFORMATION

The revision description for this document is available from and maintained by the author.

3.0 PURPOSE AND SCOPE

The Ames Laboratory is committed to maintaining a safe work environment that is free from the use, abuse or effects of illegal drugs or alcohol. Employees have the right to work in an environment that is free from drug or alcohol abuse or misuse. Employees who are under the influence of drugs or alcohol present a safety risk that adversely affects other employees and the public at large.

Consistent with relevant laws, the Ames Laboratory prohibits the unlawful possession, sale, use, dispensation, manufacture or distribution of a controlled substance of any kind or amount, or having detectable levels of illegal drugs or alcohol in an employee's system while on Laboratory or University property, or while in the conduct of Ames Laboratory/ISU business off-site. This policy is in compliance with 10 CFR 707 outlining workplace substance abuse testing at DOE sites.

The Ames Laboratory conducts random drug testing for employees and certain other individuals who work in, or who are selected to work in, positions designated as requiring testing for the detection of controlled substances. Individuals are subject to random drug testing if they fall into

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specific classifications where failure to adequately discharge their responsibilities could significantly harm the environment, public health or safety, or other individuals at the Ames Laboratory. Individuals in testing designated positions who are not free from the use of illegal drugs are prohibited from working in those positions. Testing designated positions include, but are not limited to:

- Employees holding “Q” and “L” clearance designations;
- Personnel directly engaged in the production, use, storage, transportation, or disposal of hazardous materials of sufficient quantity to cause significant harm; and
- Other positions which may be determined jointly between the Ames Laboratory and ISU to have the potential to significantly affect the environment, public health or safety, or other individuals at the Laboratory.

Internal or external candidates selected for a testing designated position are tested as a condition of employment for the use of illegal drugs prior to applicant selection. A notice stating that applicants are required to complete a test for illegal drugs is included in the job posting/notice of vacancy and/or Letter of Intent for these positions.

Employees holding or applying for testing designated positions are tested for:

- Marijuana
- Cocaine
- Opiates
- Phencyclidine
- Amphetamines

Any Ames Laboratory employee can be required to submit a drug test if their behavior produces reasonable suspicion of being under the influence of illegal drugs or if they potentially could have caused an occurrence that is required to be reported to the DOE. Suspicion or occurrence based tests are designed to detect at least the following Schedule I and Schedule II illegal drugs, or classes of drugs:

Schedule I

- Heroin
- LSD
- Marijuana (cannabis)
- Ecstasy
- Methaqualone
- Peyote

Schedule II

- Cocaine
- Methamphetamine
- Methadone
- Hydromorphone (Dilaudid)
- Meperidine (Demerol)
- Oxycodone (OxyContin)
- Fentanyl
- Dexedrine
- Adderall
- Ritalin

Notice of the testing policy is disseminated to all Ames Laboratory employees upon employment under the operating contract between DOE and ISU. Employees receive Drug Free Workplace training as a part New Employee Orientation conducted by ISU that includes health aspects of

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substance abuse, especially illegal drug use; safety, security, and other workplace-related problems caused by substance abuse.

4.0 ROLES AND RESPONSIBILITIES

Ames Laboratory Employees

It is the responsibility of all Ames Laboratory employees to comply with this policy and to notify the Ames Laboratory/University of *any* criminal drug statute conviction no later than ten calendar days after such conviction. In accordance with the Federal Drug-Free Workplace Act of 1988, employees are required to report any criminal drug-statute convictions for violations *occurring while conducting official business*, on or off the premises, to their supervisor within five calendar days of the conviction.

Employees in Testing Designated Positions

Individuals in testing designated positions must notify their supervisor or the Human Resources Manager in writing, within 10 calendar days, if either of the following occur:

- They are arrested for or convicted of a drug-related crime, or
- They receive a positive drug test result.

Violation of this policy will result in appropriate disciplinary action, up to and including dismissal. The perpetrator may also be subject to federal, state, and local sanctions. In the event that an employee is convicted of a drug-related violation occurring in the workplace, within 30 calendar days of receiving notice of the conviction, the following will occur:

- Personnel action, up to and including termination; or
- Opportunity to participate satisfactorily in an approved drug abuse assistance or rehabilitation program. If the employee does not participate in such a rehabilitation program, the employer will take appropriate personnel action, up to and including termination, in accordance with personnel policies.

Managers and Supervisors

Managers and supervisors are trained how to recognize deterioration in an employee's job performance or judgment, as well as unusual conduct, which could be the result of illegal drug use. Managers and supervisors have a responsibility to intervene when any of the above occur, and to offer alternative courses of action that provide the employee with assistance in returning to satisfactory performance, judgment, or conduct. This responsibility includes seeking help from the Employee Assistance program with;

- Appropriate handling and referral of employees with possible substance abuse problems, especially illegal drug use; and
- Understanding and complying with employer policies and practices for giving maximum consideration to the privacy interests of the employee.

When requesting reasonable suspicion or occurrence based testing for an employee, their supervisor must prepare a written description of the specific activities, expressions, attitudes, behaviors, or known information about the individual in question. This document must be completed and delivered to the MRO – Physician in Occupational Medicine as promptly as possible. Additionally, the Manager of Human Resources must be consulted and must

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participate in the decision to as the whether the individual will be tested.

4.1. Definitions

Testing designated positions: A classification of employees meeting specific requirements based on their positions (see detailed explanation in Section 3.0)

Employee Assistance program: A program of counseling, referral, and educational services concerning illegal drug use and other medical, mental, emotional, or personal problems of employees, particularly those which adversely affect behavior and job performance. The current provider of ISU EAP services is Employee and Family Resources (EFR).

Illegal drug: Any controlled substance as specified by federal law; Schedules I to V of the Controlled Substances Act

Random testing: The unscheduled, unannounced urine drug testing of randomly selected individuals in testing designated positions in a non-discriminatory manner

Reasonable suspicion testing: Testing based on an articulable belief that an employee is using illegal drugs, drawn from particularized facts and reasonable inferences from those facts

Occurrence based testing: Testing based on an incident or DOE-reportable event

MRO – Physician (medical review officer - licensed physician): A physician responsible for receiving laboratory results and who has had appropriate medical training to interpret and evaluate test results in combination with an employee’s medical history

5.0 PROGRAM/PROCEDURE INFORMATION

5.1. Position-based Testing

The Ames Laboratory conducts annual random drug testing at a rate of 30 percent of the total number of employees holding testing designated positions as required by CFR 707.7 Part A(2). The Human Resources Manager will utilize a randomization program to select the testing designated position to test and will notify the affected employee. The MRO – Physician in Occupational Medicine will then order the test and instruct the employee to report to the testing facility. The test must be performed within 24 hours of receiving the notification for the employee to remain in compliance with the terms of his/her position description. If the test is not completed within 24 hours, the employee may be suspended.

5.2. Reasonable Suspicion Testing

If the behavior of an individual creates the basis for reasonable suspicion of drug use, a test request may be submitted, in writing, by the supervisor to the MRO – Physician, who will immediately consult with the Manager of Human Resources. Reasonable suspicion must be based on a belief that can be articulated, based on a state of being, or behavior or expression that the individual in question is using illegal drugs. That determination must be based on specific facts and on reasonable inference from those facts. A prior positive test for the use of illegal drugs or previous participation in rehabilitation or

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treatment is not, in and of itself, grounds for testing on the basis of reasonable suspicion. Examples of reasonable suspicion include:

- Direct observation of the use or unlawful possession of illegal drugs or alcohol; the physical symptoms of being under the influence of drugs or alcohol;
- A pattern of abnormal conduct or erratic behavior for that individual;
- Personal knowledge of, or reliable records attesting to, the arrest for or conviction of, a drug-related offense or the identification of the individual as a focus of a criminal investigation into illegal drug possession, use or trafficking;
- Information concerning the use or unlawful possession of a controlled substance that is either provided by a reliable and credible source or is otherwise independently corroborated; evidence that an employee has tampered with a drug test or sample.

5.3. Occurrence Based Testing

An Ames Laboratory employee may be tested for the use of illegal drugs in the event of an occurrence, which the Laboratory is required to report to DOE, if the individual could have caused or contributed to the conditions which resulted in the occurrence. Testing may be required for other, less significant occurrences as well. Testing an individual on the basis of an occurrence (an incident) requires:

- Observation by a supervisor and/or evaluation of information by the supervisor of the individual which indicates possible illegal use of a controlled substance;
- Documentation (completion of the proper documentation by the supervisor);
- Concurrence by the Facility Manager or other designee on duty; and
- Notification to the Manager of Human Resources of the decision to perform testing at the earliest opportunity.

5.4. Testing Process

Testing will be conducted through the provider utilized by the State of Iowa Employees' Consortium based on the Ames Laboratory operating contract with ISU, DE-AC02-07CH11358. The current provider is McFarland Clinic in Ames, IA. Procedures for providing urine specimens will allow for individual privacy, unless there is reason to believe that a particular individual may alter or substitute the specimen.

The testing provider will supply and maintain the official Chain of Custody form as the permanent record on each specimen that includes, but is not limited to:

- Date of collection;
- Name of individual tested;
- Social Security Number of individual tested;
- Specimen number;
- Type of test (random, applicant, occurrence, reasonable suspicion, follow-up, or other);
- Temperature range of specimen;

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- Remarks regarding unusual behavior or conditions as observed;
- Collector's signature; and
- Signature of specimen provider certifying that the specimen identified is the specimen they provided.

5.5. Reporting

Semi-annual reports are sent to the Site Office detailing the number of tests performed during the period, test dates, test results, and reasons for tests. In the event of an occurrence requiring DOE notification, the Laboratory will report event details and the names of individuals requiring testing based on their involvement in the occurrence, no longer than 24 hours after the occurrence (unless the time is extended by DOE). The Ames Laboratory will notify the DOE within ten calendar days of receiving notice of an employee's criminal drug statute conviction.

6.0 POST PERFORMANCE ACTIVITY

A positive test result will be considered a violation of this policy and will result in appropriate disciplinary action, up to and including dismissal, and the perpetrator may also be subject to federal, state, and local sanctions. In addition, an employee who violates this policy may be required to participate in a drug abuse assistance or rehabilitation program as a condition of continued employment.

Individuals who are notified of a positive test result by the MRO – Physician may request a retest of the same specimen at the same or another certified laboratory. The individual shall bear the costs of transportation and/or testing of the specimen. The employer will inform employees of their right to request a retest. Employees in testing designated positions that have been tested and determined to have used an illegal drug, will be immediately removed from the testing designated position.

After an employee is determined to have used illegal drugs, completed a substance abuse program or counseling, and is returned to duty, the employee shall be subject to unannounced drug testing at intervals, for a period of 12 months.

Test results shall be provided to the MRO – Physician on staff in Occupational Medicine and other contractor and DOE officials on a need to know basis. Any other disclosure may be made only with the written consent of the individual. Contractors shall maintain maximum confidentiality of records related to illegal drug use, to the extent required by applicable federal and state statutes and regulations. Unless otherwise approved by DOE, the contractor shall ensure that all Laboratory records relating to positive drug test results, including initial test records shall be retained by the Laboratory in a manner to allow retrieval of all information pertaining to the individual urine specimens for a minimum period of five years after test completion.

Collective Bargaining

The Ames Laboratory participates in a collective bargaining agreement negotiated between the contractor (ISU) and the American Federation of State, County and Municipal Employees (AFSCME) every two years. Represented bargaining employees at the Ames Laboratory may include the clerical, security, technical divisions of the merit staff. All workplace rules are negotiated and documented by the contractor directly with the union for two year periods of

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time. Disciplinary action will follow the rules set forth in the collective bargaining agreement for covered employees.

7.0 SUBCONTRACTS

- 7.1.** Ames Laboratory Purchasing will notify the Contracting Officer reasonably in advance of, but not less than 30 days prior to, the award of any subcontract the Laboratory believes may be subject to the requirements of 10 CFR Part 707. The notification will include a work scope or statement, a description of where the work is to be performed, and a listing of the job position classifications to be used in the performance of the contract.
- 7.2.** Workplace Substance Abuse Program (WSAP) may apply to any subcontracts with a value of \$25,000 or more for the performance of work at the Laboratory, or at other sites owned or controlled by DOE that involve:
- Positions such as pilot or firefighter, where failure of an employee to adequately discharge his or her duties could significantly harm a life, the environment, public health or safety, or national security.
 - Protective force personnel in positions for which authorization to carry firearms has been granted, where the duties also require potential contact with, or proximity, to the public at large.
 - Personnel directly engaged in construction, maintenance, or operation of nuclear reactors.
 - Transportation of certain types and/or quantities (as defined in 10 CFR 707) of hazardous materials to or from the Laboratory or another DOE site.
 - Access to or handling of classified information or special nuclear materials.
- 7.3.** The Ames Laboratory Purchasing department will include in affected subcontracts a requirement that all subcontractors subject to the provisions of 10 CFR part 707 agree to develop and implement a WSAP that complies with the requirements of 10 CFR part 707.
- 7.4.** The Ames Laboratory Purchasing and ESH&A departments shall review and approve each subcontractor's program and shall periodically monitor each subcontractor's implementation of the program for effectiveness and compliance. The Ames Laboratory will accomplish this by requiring an affected subcontractor to provide the Laboratory, both before subcontract award and at two-year intervals during subcontract performance, a copy of its non-confidential WSAP policy documents and a signed certification that its program is in compliance with 10 CFR Part 707 (Form 48300.041).

8.0 ADDITIONAL INFORMATION

The management of the Ames Laboratory is committed to making a substantial good faith effort to maintain a workplace free of substance abuse. This strong commitment to maintaining a drug-free workplace is intended to protect individuals who work at or visit the Ames Laboratory, the facility itself, and the environment, as well as to safeguard the community and public health.

ISU in the role of contractor for the Ames Laboratory provides a drug-free awareness program and training during the new employee orientation process to inform employees about the

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dangers of drug and alcohol abuse in the workplace. Employees are advised of available substance abuse counsel, rehabilitation programs, and the Employee Assistance Program sponsored by ISU and Employee and Family Resources (EFR). Ames Laboratory shall partner with ISU, EFR, supervisors, and the Department of Public Safety regarding suspected or known instances of workplace substance abuse to determine the appropriate course of action.

EFR provides programs on preventative services, education, counseling and referrals to other agencies, as well as web resources and 24/7 on-line services. Referral agencies provide consultation and assessment services, treatment and rehabilitation options, and educational services concerning medical, behavioral, substance abuse, mental, emotional or personal problems for both employees and their dependents.

Websites for additional information:

10 CFR 707 Workplace Substance Abuse Programs at DOE Sites Directive

<http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=7ab53b7f87ff635362b709a0b6c953af&rqn=div5&view=text&node=10:4.0.2.5.2&idno=10>

73 FR 71858 DHHS Substance Abuse and Mental Health Services Administration

<http://www.samhsa.gov/workplace/drug-testing>

ISU Drug Free Workplace:

<http://policy.iastate.edu/policy/drugfree/>

ISU CDL Drug and Alcohol Testing Program:

<http://policy.iastate.edu/policy/cdl/>

Board of Regents Drug-Free Environment and Controlled Substances:

<http://www2.state.ia.us/regents/Policies/Chapter%204/chapter4.31.htm>

ISU Employee Assistance Program:

<http://www.hrs.iastate.edu/eap/>

A Drug-Free Workplace at Iowa State University

<http://www.policy.iastate.edu/policy/drugfree>

DEA Drug Schedules I-V

<http://www.dea.gov/druginfo/ds.shtml>