

United States Department of Energy (DOE) drug free workplace requirements are found in 10 CFR 707. This regulation applies to all DOE contractors and subcontractors performing work at sites owned or controlled by DOE and operated under the Atomic Energy Act of 1954, and to individuals with unescorted access to the control areas of certain DOE reactors. This regulation is incorporated into all Bechtel Jacobs Company LLC (BJC) subcontracts and is a mandatory flowdown to subcontractors of all tiers.

In addition to complying with the requirements of 10 CFR 707, BJC policies prohibit the use of or being under the influence of alcohol on BJC sites and require both alcohol testing and the use of an expanded drug testing panel (See Attachment 3). If a subcontractor employee is reasonably suspected of being impaired by either drugs or alcohol, the matter will be referred to the employer for investigation and resolution under the subcontractor's plan. BJC requires subcontractors, as a condition of continued site access, to conduct post-occurrence, post-incident, post-accident, and reasonable suspicion testing using alcohol testing and the expanded drug panel. The employer subcontractor must keep BJC informed during any ensuing investigation, and provide a final report within 24 hours of closing the matter.

INSTRUCTIONS. All subcontract scopes are evaluated to determine whether they are subject to this regulation. Demonstration of Workplace Substance Abuse Program (WSAP) compliance is required prior to starting work. Failure to provide timely submittals may result in suspension of work. WSAP Compliance Submittal, BJCF-920 is designed to assist the subcontractor in submission of a compliant program. These forms are to be made available electronically upon request, as is the BJC WSAP Procedure as a model for subcontractor WSAPs and for reference with respect to BJC's expectations for conduct on its work sites.

1. **Attachment 1 Statement of Exclusion.** Statement that 10 CFR 707 does not apply to a given subcontract; to be returned if the subcontractor believes it is applicable. If BJC confirms that 10 CFR 707 does not apply, no other submittals are required.
2. **Attachment 2 Baseline WSAP Compliance Matrix.** Matrix to document compliance with the material requirements of a Baseline WSAP. The Baseline Matrix should be completed and returned with a copy of the Baseline WSAP.
3. **Attachment 3 Drug Testing Panel.** Documents the drugs screened under the subcontractor's program.
4. **Attachment 4 TDP Assessment Matrix.** Attests to the evaluation of all positions performing work on site. If the scope of work involves Testing Designated Positions (TDPs), additional requirements apply.
5. **Attachment 5 TDP WSAP Compliance Matrix.** If a subcontractor has TDPs, this matrix should be completed and returned with the Baseline Matrix and a copy of the TDP WSAP.
6. **Attachment 6 Lower Tier WSAP Requirements.** The Statement of Exclusion or the appropriate WSAP plan must be submitted by all subcontractors of any tier.

All submittals must be returned to the Subcontract Administrator with a copy to the BJC Subcontractor WSAP Coordinator, Elayne Wood, Bldg. K-1330, MS-7020, Rm. 202.

**ATTACHMENT 1
EXCLUSION STATEMENT**

INSTRUCTIONS: All subcontractors who are not covered by 10 CFR 707 must complete this certification and return it to the SCA. The SCA then obtains concurrence of the BJC Project Engineer and forwards the Exclusion Statement to the Subcontractor WSAP Coordinator for review.

Subject: **Statement of Exclusion from requirements of 10 CFR 707**

Reference: **Subcontract No.** _____

10 CFR 707 is inapplicable to _____ (Company Name) _____ because:

- The value of the subcontract does not exceed \$25,000
- The value of the subcontract exceeds \$25,000 but does not involve:
 - Access to or handling of classified information;
 - Access to or handling of special nuclear materials;
 - Transportation of hazardous materials to or from a DOE site.
- The value of the subcontract exceeds \$25,000 but does not involve risk of danger to life, the environment, public health and safety, or national security. *(Do not check this box if your subcontract scope of work includes any of the following: decontamination and decommissioning; demolition; asbestos removal; waste sorting, packaging, treatment or any type of waste handling; or if you have been determined to be subject to Pollution Liability Insurance coverage.)*

Signed: _____
Name: _____
Title: _____
Date: _____

BJC PROJECT ENGINEER CONCURRENCE

I concur in this subcontractor's assessment of the inapplicability of 10 CFR 707 to their subcontracted scope of work.

Signed: _____
Name: _____
Title: Project Engineer
Project: _____
Date: _____

**ATTACHMENT 2
BASELINE WSAP COMPLIANCE MATRIX**

INSTRUCTIONS: All subcontractors covered by 10 CFR 707 must complete either Part A or Part B.

Part A: Complete the following certification and return it if you have already received approval for a prior Baseline WSAP submittal that is still compliant with 10 CFR 707.

Certification	
<p>_____ (Company) _____ maintains a Baseline WSAP, evaluated by BJC and accepted on _____. No material changes have occurred since the referenced submittal.</p>	
Signed:	_____
Name:	_____
Title:	_____
Date:	_____

Part B: Identify the section and page number of your WSAP which satisfies the identified minimum regulatory requirement. Identify all additional requirements in the “Notes” section or in the “Summary of Additional Requirements” at the end of Attachment 2.

Minimum Requirement	Plan Section	Notes
707.4 Definitions		
707.5A Provision for compliance with Department of Health and Human Services (DHHS) Mandatory Guidelines for Federal Workplace Drug Testing Programs (53 FR 11970, April 11, 1988)		
707.5(A)(1) Subcontractor Policy Statement that prohibits onsite possession, sale, distribution, or manufacture of illegal drugs.		
707.5(A)(2) Provision for supervisor and employee substance abuse training and an employee assistance program (EAP) in accordance with 707.6., and penalties for violations.		

Company: _____

Attachment 2
Baseline WSAP Compliance Matrix

Date: _____

Initials: _____

Minimum Requirement	Plan Section	Notes
<p>707.6(A) Availability of an EAP to on-site employees to provide preventive services, education, short-term counseling, coordination and referral to outside agencies, and follow-up.</p>		
<p>707.5(A)(2) 707.6(B) Description of the periodic training program</p> <p>EMPLOYEES</p> <ul style="list-style-type: none"> • Health aspects of substance abuse • Safety, security, workplace problems • Provisions of 10 CFR 707 • Subcontractor’s WSAP policy • EAP <p>MANAGERS AND SUPERVISORS (in addition to above topics)</p> <ul style="list-style-type: none"> • Recognition of deteriorating job performance or judgment • Conduct which may be the result of drug use • Responsibility to intervene and offer alternative courses of action • Handling and referral of employees with possible drug problems • Employer policies and practices regarding privacy interests of applicants and employees 		
<p>707.5(A)(3) Provision for distributing WSAP policy to all onsite employees, and notice that, as condition of employment, they must comply with the WSAP and provide written notification within 10 calendar days of conviction of an onsite violation of a criminal drug statute.</p>		
<p>707.5(A)(4) Requirement to notify BJC HR and Manager of Security within 10 calendar days of receipt of notice of an employee’s conviction of a drug-related offense.</p>		
<p>707.5(A)(5) Provision for imposing on convicted employee (within 30 days of notice of conviction) either (i) appropriate personnel action up to and including termination; or (ii) an opportunity to participate in an approved substance abuse rehabilitation program.</p>		

Company: _____

Date: _____

Initials: _____

Minimum Requirement	Plan Section	Notes															
707.5(A)(6) Commitment to make good faith effort to maintain workplace free of substance abuse through implementation of this program.																	
Provisions that require alcohol and expanded panel testing for all post-occurrence, post-incident, post-accident and reasonable suspicion tests: <table border="1" data-bbox="167 495 756 667"> <thead> <tr> <th></th> <th>Alcohol</th> <th>Expanded Panel</th> </tr> </thead> <tbody> <tr> <td>Post-occurrence</td> <td></td> <td></td> </tr> <tr> <td>Post-accident</td> <td></td> <td></td> </tr> <tr> <td>Post-incident</td> <td></td> <td></td> </tr> <tr> <td>Reasonable Suspicion</td> <td></td> <td></td> </tr> </tbody> </table>		Alcohol	Expanded Panel	Post-occurrence			Post-accident			Post-incident			Reasonable Suspicion				
	Alcohol	Expanded Panel															
Post-occurrence																	
Post-accident																	
Post-incident																	
Reasonable Suspicion																	
Provision to report the results of any investigation or drug and alcohol test arising from the scope of a BJC subcontract.																	

Summary of Additional Requirements (if not included above):

1. _____

2. _____

3. _____

4. _____

Attach Additional Sheets if Necessary

Company: _____

Attachment 2
Baseline WSAP Compliance Matrix

Date: _____

Initials: _____

ATTACHMENT 4
TESTING DESIGNATED POSITION ASSESSMENT

INSTRUCTIONS: Use the following pages to evaluate those positions which perform work on site.

- Part A contains a list of sample TDPs
- Part B is a decision matrix to evaluate job contents to determine TDPs
- Part C is a list of TDPs.

Part A. BJC has conducted a TDP Assessment and provides the following list of designations as an example:

TDPs

Classification Assistant	NMC&A Internal Assessor
Classification Officer	NMC&A Liaison
Classification Specialist	NMC&A Manager-Area Security Specialist
Classified Matter Protection and Control Specialist	NMC&A Measurement Control and TID Coordinator
Craft Supervisor	Nuclear Criticality Safety Engineer
Cylinder Yard Operator	Nuclear Criticality Safety Organizational Manager
D Yard Supervisor	Nuclear Safety Engineer
DSA Independent Technical Reviewer	Nuclear Safety Manager
Electrician	Nuclear Safety Project Lead
Facility Manager (Nuclear Facility)	Operating Engineer
Facility Manager (Radiological Facility)	Park Shift Superintendent (PSS)
Facility Operator	Personnel Security Officer
Fire Chief/Fire Department Manager	Physical Security Officer
Fire Department (FD) Assistant	Physical Security Specialist
Fire Department Shift Commander	Pipefitter
Fire Protection (FP) Maintenance Coordinator	Project Configuration Manager
Fire Protection Engineer	PSS Assistant
Fire Protection Engineering Assistant	PSS Control Center Lead
Fire Protection Operations (FPO) & Emergency Management Manager	Reactor Operator
Fire Protection Specialists	Security Education Coordinator
Foreign National Coordinator	Security Functional Manager
Instrument Mechanic	Security Officer
Iron Workers	Security Specialist
Laborers	Security Systems Engineer
MSRE Reactive Gas Removal Operations Supervisor	UF6 Cylinder Handler and Inspector
NMC&A Accounting Coordinator	Visitor Control Assistant
NMC&A Accounting Specialist	Visitor Control Officer
	Visitor Control Supervisor

Non-TDPs

Project Controls
Administrative Services
Human Resources
Procurement

Company: _____

Date: _____

Initials: _____

Attachment 4
TDP Assessment

- 1 -

Part B. Employees who meet the following criteria are deemed to be in Testing Designated Positions for purposes of 10 CFR 707.7(b) random drug-testing requirements:

Question	Testing Designated Position?
1) Is the employee in 10 CFR 710 Personnel Security Assurance Program (PSAP) position?	<input type="checkbox"/> Yes. Then the employee is in a testing designated position under 10 CFR 707. PSAP positions require testing at a rate of 100% of the total number of PSAP employees. PSAP employees may be subject to additional requirements in the PSAP rule. <input type="checkbox"/> No. Proceed to question 2.
2) Is the employee in a Personnel Assurance Program (PAP) position – a position that requires the employee to perform work with both technical knowledge and access to nuclear explosives sufficient to cause a detonation?	<input type="checkbox"/> Yes. Then the employee is in a testing designated position under 10 CFR 707. PAP positions require testing at a rate of 100% of the total number of PAP employees. PAP employees may be subject to additional requirements of the PAP program <input type="checkbox"/> No. Proceed to question 3.
3) Is the employee in a position entailing duties where failure to adequately discharge his position could significantly harm the environment, public health or safety, or national security, such as:	
a) a pilot?	<input type="checkbox"/> Yes. Then the employee is in a testing designated position under 10 CFR 707. <input type="checkbox"/> No. Proceed to b).
b) a firefighter?	<input type="checkbox"/> Yes. Then the employee is in a testing designated position under 10 CFR 707. <input type="checkbox"/> No. Proceed to c).
c) protective force personnel in a position involving the use of firearms and requiring potential contact with or proximity to the public at large?	<input type="checkbox"/> Yes. Then the employee is in a testing designated position under 10 CFR 707. <input type="checkbox"/> No. Proceed to d).

Company: _____

Date: _____

Initials: _____

Attachment 4
TDP Assessment

Question	Testing Designated Position?
d) directly engaged in construction, maintenance, or operation of a nuclear reactor?	<input type="checkbox"/> Yes. Then the employee is in a testing designated position under 10 CFR 707. <input type="checkbox"/> No. Proceed to e).
e) directly engaged in production, use, storage, transportation, or disposal of hazardous materials sufficient to cause harm to the environment or public health and safety?	<input type="checkbox"/> Yes. Then the employee is in a testing designated position under 10 CFR 707. <input type="checkbox"/> No. Proceed to question 4.
<p>4) Is the employee in any other position where failure to adequately discharge duties could significantly harm the environment, public health, public safety, or national security?</p> <p><i>BJC has provided a list of positions determined to be TDPs. If the employee is in the same or a similar position, you must provide an attachment containing written justification for exclusion from designation as a TDP.</i></p>	<input type="checkbox"/> Yes. Then the employee is in a testing designated position under 10 CFR 707. <input type="checkbox"/> No. <input type="checkbox"/> Justification Attached <p>Proceed to question 5.</p>
5) Has DOE determined that the employee's position has the potential to significantly affect the environment, public health, public safety, or national security?	<input type="checkbox"/> Yes. Then the employee is in a testing designated position under 10 CFR 707. <input type="checkbox"/> No. Proceed to question 6.
6) Does the individual, whether or not he or she is an employee, have unescorted access to the control areas of one of the DOE reactors listed in 10 CFR. 707 (c), which includes the Oak Ridge Research Reactor?	<input type="checkbox"/> Yes. Then the individual is in a testing designated position under 10 CFR 707. Persons with unescorted access to DOE reactors require testing at a rate of 100% of the total number of persons in this testing category. <input type="checkbox"/> No. Proceed to question 7.
7) Has DOE determined in writing that the person subject to testing under this provision is exempt for its testing requirements because the position requires testing under a comparable federal drug-testing program?	<input type="checkbox"/> Yes. Then the individual in the testing designated position is exempt and 10 CFR 707 does not require additional testing. <input type="checkbox"/> No. Then the individual is not in a testing designated position and is not subject to mandatory random drug testing under 10 CFR 707.

Company: _____

Date: _____

Initials: _____

**ATTACHMENT 5
TDP WSAP COMPLIANCE MATRIX**

INSTRUCTIONS: All subcontractors covered by 10 CFR 707 must complete either Part A, B, or C.

Part A: Complete the following certification and return it if your previously submitted WSAP has already been accepted and is still compliant with 10 CFR 707.

Certification	
<p>_____ (Company) maintains a TDP WSAP, evaluated by BJC and accepted on _____. No material changes have occurred since the referenced submittal.</p>	
Signed:	
Name:	
Title:	
Date:	

Part B: Complete the following to declare that your company has no TDPs:

Certification	
<p>_____ (Company) has evaluated all positions performing work on the DOE site and has determined that none of the positions are Testing Designated Positions as defined by 10 CFR 707.7(B).</p>	
Signed:	
Name:	
Title:	
Date:	

Part C: If you have identified any TDPs, complete the following matrix. Identify the section and page number of your WSAP which satisfies the identified minimum regulatory requirement. Identify any additional requirements in the “Notes” section.

Minimum Requirement	Plan Section	Notes
707.5(B)(1) 707.7(B) Identification of specific positions subject to drug testing: Testing Designated Positions (TDPs).		

Company: _____

Date: _____

Initials: _____

Minimum Requirement	Plan Section	Notes
707.5(B)(2) Prohibition of employee who is not free from the use of illegal drugs from working in a TDP.		
707.5(B)(3) Description of sanctions to be taken with regard to individuals in TDP who is not free of illegal drug use or otherwise uses, possesses sells, distributes or manufactures drug onsite.		
707.5(B)(4(a)) Provisions for notification of employees subject to drug testing 60 days before initial testing (unless your company is currently conducting a testing program).		
707.5(B)(4)(b) 707.14(a) Provision for urine drug analysis of applicants for TDPs before selection or assignment; termination of processing if MRO determines use of illegal drug; and notification to employee.		
707.5(B)(4)(e) 707.7(A) Provision for random urine drug analysis of all employees in TDPs at a rate of 50% each 12 months; and 100% each 12 months of employees in PSAPs and PAPs.		
707.5(B)(4)(e) Provision for random, reasonable suspicion, and occurrence-based urine drug analysis for any individual with unescorted access to the control areas of DOE reactors specified in 707.7.		<input type="checkbox"/> Not Applicable
707.9 Provision for testing within 24 hours after an Occurrence requiring a report to DOE under DOE Orders, rules and regulations, and immediate notification to BJC.		
707.10(A)(1) Provision for testing of employees in TDPs for a reasonable suspicion of illegal drug use based on an articulable belief drawn from particularized facts and reasonable inferences based on factors listed in 707.10(A)(2) and 707.10(B). Requirement that at least two supervisors or managers, at least one of whom is in direct supervision chain of employee, must agree that testing is appropriate.		

Company: _____

Date: _____

Initials: _____

Minimum Requirement	Plan Section	Notes
<p>707.5(B)(4)(f) Requirement of written notice by employee as soon as possible, but not later than 10 days, after a drug-related arrest or conviction or receipt of a positive drug test.</p>		
<p>707.5(B)(4)(vii), 707.14(b)(1) Description of appropriate action to be taken regarding an employee who is arrested for or convicted of a drug-related offense or has a positive drug test result, including immediate removal from TDP and notice to BJC HR and Security for an individual with security clearance or application for security clearance.</p>		
<p>707.5(B)(6) Provision for immediate notification to BJC and DOE security officials whenever the circumstances raise a security concern.</p>		
<p>707.5(B)(5) Provision of opportunity for rehabilitation and description of policies and circumstances where rehabilitation might be offered.</p>		
<p>707.14(B)(2) Rehabilitation after a positive test only offered on first offense, with employee placed in non-TDP, uncleared position or on leave during rehabilitation. Provision for significant discipline, up to and including removal from subcontract for failure to take opportunity for rehabilitation, if offered.</p>		
<p>707.14(b)(2) Provision for removal from subcontract of any individual who is twice determined to have used illegal drugs.</p>		
<p>707.14(g) 707.5(B)(4)(d) Provision for periodic unannounced testing for 12 months of employee returned to duty after determination of illegal drug use.</p>		
<p>707.11 Provision for analysis of samples for at least marijuana, cocaine, opiates, phencyclidine and amphetamines.</p>		

Company: _____

Date: _____

Initials: _____

BJCF-920 (07/05)

Minimum Requirement	Plan Section	Notes															
Provisions that require alcohol and expanded panel testing for all post-occurrence, post-incident, post-accident and reasonable suspicion tests: <table border="1" data-bbox="168 363 760 533"> <thead> <tr> <th></th> <th>Alcohol</th> <th>Expanded Panel</th> </tr> </thead> <tbody> <tr> <td>Post-occurrence</td> <td></td> <td></td> </tr> <tr> <td>Post-accident</td> <td></td> <td></td> </tr> <tr> <td>Post-incident</td> <td></td> <td></td> </tr> <tr> <td>Reasonable Suspicion</td> <td></td> <td></td> </tr> </tbody> </table>		Alcohol	Expanded Panel	Post-occurrence			Post-accident			Post-incident			Reasonable Suspicion				
	Alcohol	Expanded Panel															
Post-occurrence																	
Post-accident																	
Post-incident																	
Reasonable Suspicion																	
Provision to report the results of any investigation or drug and alcohol test arising from the scope of a BJC subcontract.																	
707.12(A) Procedure for collecting samples that allows individual privacy unless there is reason to suspect specimen alteration or substitution.																	
707.12(A) Provision for a chain of custody procedure including information specified in 707.16(E) for specimens, and use of DHHS certified lab.																	
707.12(b)(1) Provision for documentation of refusal to cooperate with specimen collection, notification to BJC HR and Security if individual holds security clearance, and treatment of individual as if test were positive.																	
707.12 (B)(2) Provision for collecting sufficient sample volume.																	
707.13 Provision for review of all tests for determination of illegal drug use by a DOE-approved Medical Review Officer for determinations of use of illegal drugs in accordance with DHHS requirements.																	
707.14(F) Notice to employees who test positive of right to request retest at employee's cost.																	
707.14(C) and (D) Prohibition on returning employee removed from a TDP or denied unescorted access because of use of illegal drugs until counseling or rehabilitation is completed, a negative urine drug test has been performed, and the site occupational medical department has evaluated the individual as capable of safely returning to duty.																	

Company: _____

Date: _____

Initials: _____

BJCF-920 (07/05)

Minimum Requirement	Plan Section	Notes
707.16 Limitation of access to confirmed positive test results to MRO, and Company and DOE officials with a need to know, or pursuant to written consent.		
707.16 Provision for confidential maintenance of all laboratory records related to positive test results and specimen chain of custody forms for a minimum of five years. Provision for retention of frozen specimens for at least six months.		

Company: _____

Date: _____

Initials: _____

BJCF-920 (07/05)

**ATTACHMENT 6
LOWER TIER WSAP REQUIREMENTS**

INSTRUCTIONS: All subcontractors covered by 10 CFR 707 must complete this form.

CERTIFICATION: _____ (Company) has evaluated all subcontractors of all tiers performing work on the DOE site under any BJC subcontract and has made the following determinations regarding applicability of 10 CFR 707.

For all lower-tier subcontractors , the compliance submittal, including WSAP documents, must be provided to BJC.

Name of Subcontractor Description of Scope	Date of Submittal to BJC		
	Statement of Exclusion	Baseline WSAP	TDP WSAP

Company: _____

Date: _____

Initials: _____