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OWNER: Human Resources	BJC-HR-0306	REV. NO. 2
SUBJECT MATTER AREA: Conditions of Work	PREPARER: Sandra Rhodes	Page 1 of 22
DOC TYPE: Procedure	CONCURRENCE/DATE: Daryl Mills 5/27/05 [Approval Signature on File]	
TITLE: DRUG AND ALCOHOL CONTROL	APPROVED BY/DATE: Kelli Schifferer 5/19/05 [Approval Signature on File]	
USQD <input type="checkbox"/> UCD <input type="checkbox"/> CAT EX <input type="checkbox"/>	EFFECTIVE DATE: 5/31/05	
USQD/UCD No: NA	REQUIRED REVIEW DATE: 5/31/08	

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REVISION LOG		
Revision Number	Description Of Changes	Pages Affected
0	Non-Intent Change. Initial Release of this document number. Updated document to Performance Document template; added “BJC Employee Agreement Concerning Illegal Drugs for Testing Designated Positions” form. This document replaces HR-A-0306, Rev. 1, <i>Drug and Alcohol Control Procedure</i> .	All
1	Administrative Change. Clarified the “Confirmed Positive Test” definition in Attachment A to change the level from “0.04 mg/dl” to “0.02 mg/dl” to be consistent with the detection level stated on page 10 of 0.02 mg/dl.	16
2	Intent Change. Clarified areas of responsibility for Human Resources and Labor Relations. Expanded testing beyond “occurrences and significant work-related accidents” to include all Work-Related Accidents or Injuries, defined as, e.g., any recordable incident; the Corporate Medical Director, or designee, may, in his professional discretion and in consultation with the supervisor, exclude minor soft tissue injuries such as muscle strains, and minor incidents involving poison ivy, bee stings, minor burns, etc., unless they were a contributor to a more severe incident or injury. Addition of Point of Collection (POC) Urine Drug Screen (UDS) multi-panel drug screening and Breath Alcohol Testing (BAT) for all applicants and for Testing Designated Positions.	All

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	<p>Added this procedure applies to Bargaining Unit employees, subject to the terms of the applicable Collective Bargaining Agreement. Employees required to operate Commercial Vehicles are subject to this procedure, in addition to Department of Transportation (DOT) regulations. Testing required under DOT regulations will be conducted thereunder and not pursuant to BJC-HR-0306.</p> <p>Added applicable federal, state, and local laws will prevail where the laws exceed or contradict any part of this procedure.</p> <p>Updated Internet link for the Employee Assistance Program.</p> <p>Added this procedure is not intended to limit BJC’s “at will” termination authority and should not give rise to expectations of continued indefinite employment. Employment with BJC is on an “at will” basis in which employment may be terminated with or without cause, and with or without notice, at any time, at the option of either BJC or the employee.</p> <p>Added new verbiage and incorporated revisions to the provisions related to utilizing the Employee Assistance Program and application of disciplinary action in the event an employee has substance abuse challenges.</p> <p>Assigned form numbers to all of the forms used for drug and alcohol screening and personal searches and posted all forms on the BJC Web Forms page. Added new form: Reasonable Suspicion/For Cause Testing and Personal Search Manager’s Checklist.</p> <p>Added alcohol, in addition to drugs, throughout the procedure where not previously referenced.</p> <p>In addition to notifying the Manager of Human Resources, added contacting the Manager of Labor Relations for addressing substance abuse issues for bargaining unit employees.</p> <p>Added provisions to request transportation by others for individuals under the influence of drugs or alcohol.</p> <p>Added MRO’s assessment of positive POC UDS test results and applicant’s ability to safely report for work.</p> <p>Deleted references to the Lab Shift Superintendent (LSS at ORNL), and the Certified Industrial Hygienist (CIH) at the Kevil Office. Deleted specific references to Paducah and Portsmouth sites.</p> <p>Added requirement that employees notify their Supervisor of physical or psychological condition requiring prescribed medication or treatment that could have a negative effect on an employee’s ability to work safely.</p> <p>Added verbiage and definition related to “Unsafe Work Practice” – Violation of safety rules or behavior that a reasonable person familiar with the conduct of a specific activity would view as creating a higher risk of an accident or injury than is acceptable at a BJC work site.</p> <p>Added provisions for all “Near Misses,” or two incidents of discipline for Unsafe Work Practices within two consecutive months, shall be considered justification for a “For Cause” test.</p> <p>Added provisions to notify the Plant Shift Superintendent (PSS) to dispatch Emergency Medical Technicians (EMT) to treat per the BJC EMT protocol in the event of an accident or injury if outside site Medical Service’s operating hours. POC UDS and BAT are to be conducted at off-site facility, if available. Supervisor will contact on-call BJC Medical Professional.</p> <p>PSS to dispatch Security to conduct personal searches.</p> <p>Corrected and clarified reporting requirements for arrest, conviction or receipt of a positive drug or alcohol test to two working days, with written notification of a conviction within 10 days, and written notice to DOE 10 days thereafter. Added the same requirement for uncleared employees to notify Human Resources Manager.</p> <p>Training and education, formerly conducted every two years, will be conducted on a periodic basis.</p> <p>Added record retention of Human Resources/Labor Relations Staffing of BJCF-886, -887, -888, -439, and - 895. Acronyms and definitions have been added and modified.</p>	
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PURPOSE

This procedure implements the responsibilities for the oversight and administration of the Bechtel Jacobs Company LLC (BJC) Drug and Alcohol Control Program, the method by which BJC makes a good faith effort to maintain a safe and efficient work environment, protect company operations, and maintain high standards of job performance.

This procedure implements Title 10 CFR Part 707, “Workplace Substance Abuse Programs at U.S. Department of Energy Sites.” This procedure or an equivalent is required of certain subcontractors.

SCOPE

The requirements of this procedure apply to all BJC employees, applicants for employment, and former employees who are subsequently rehired, reinstated, or recalled.

This procedure applies to Bargaining Unit employees, subject to the terms of the applicable Collective Bargaining Agreement. Employees required to operate Commercial Vehicles are subject to this procedure, in addition to Department of Transportation (DOT) regulations. Testing required under DOT regulations will be conducted thereunder and not pursuant to BJC-HR-0306.

Applicable federal, state, and local laws will prevail where the laws exceed or contradict any part of this procedure.

All BJC employees must abide by the terms of this Drug and Alcohol Control Procedure as a condition of employment. All current employees will receive a copy of the BJC Drug and Alcohol Policy 306 and will be required to sign and return [BJCF-439](#), Employee Drug/Alcohol Testing and Personal Search Consent Agreement. Receipt of this Agreement will be managed in a controlled manner to assure that any subsequent testing as a result of this procedure can be conducted. All BJC employees are subject to a multi-panel Point of Collection (POC) Urine Drug Screen (UDS) and Breath Alcohol Test (BAT) for the following protocol:

- Occurrence, work-related accident or injury
- “Reasonable Suspicion” or “For Cause”
- Random Testing Program

Events that are deemed occurrences, work-related accidents or injuries are defined in Attachment A of this procedure.

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Eligible employees facing challenges related to alcohol or substance abuse are encouraged to self-identify and voluntarily seek assistance from the Employee Assistance Program (EAP). EAP is a confidential service that can be reached by accessing the BJC Benefits Administration Web site <http://www.bechteljacobs.com/pdf/bh/phnumbers.pdf> to obtain current contact information or by calling BJC Benefits Administration. Bargaining Unit employees may utilize the EAP, if eligible, in accordance with the terms of the applicable collective bargaining agreement.

Positive drug test results are a violation of the U.S. Department of Energy (DOE) drug certification required to obtain and maintain a DOE security clearance. DOE will conduct a timely review of the circumstances of the violation and determine the individual's continued eligibility for a DOE security clearance. If, however, BJC learns that the positive drug test result is not the first use of illegal drugs or the first positive drug result due to the use of a controlled legal substance without proper authorization, the employee may be immediately terminated.

This procedure is not intended to limit BJC's "at will" termination authority and should not give rise to expectations of continued indefinite employment. Employment with BJC is on an "at will" basis in which employment may be terminated with or without cause, and with or without notice, at any time, at the option of either BJC or the employee.

BJC is the prime contractor for DOE, with responsibility for the safe operations of DOE facilities. BJC's responsibilities require safety and security sensitive operations in hazardous and radioactive environments. Therefore, while requests for reasonable accommodations under the Americans with Disabilities Act will be given due consideration, BJC has zero tolerance for the increased safety risk of employees reporting to work under the influence of alcohol or illegal drugs.

Therefore, employees who:

- Use, possess, sell, distribute, traffic in, or manufacture illegal drugs on or off the job or on company premises,
- Are under the influence of alcohol on the job or on company premises, or
- Use controlled legal substances without the proper authorization on company time or company premises are subject to disciplinary action, up to and including termination, even for a first offense. At management's discretion, such disciplinary action may include a mandatory referral to the EAP for counseling. Failure to strictly comply with EAP requirements may lead to additional disciplinary action, up to and including termination. An employee will be terminated following a second offense.

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If an employee has a drug or alcohol problem and voluntarily seeks help from a certified rehabilitation program or the EAP to overcome the problem, the employee will be encouraged to do so. If an employee chooses to seek help for a drug or alcohol problem from a program such as the EAP, this by itself will not be used against him or her by the Company as the basis for a disciplinary action. However, in the event of a Confirmed Positive drug or alcohol test, the fact that the employee sought assistance will not necessarily lessen any appropriate disciplinary action taken, including termination. Beyond the initial assessment, BJC has no obligation to pay the costs of any individual's counseling, treatment, or rehabilitation beyond those services provided by the EAP, except as provided for under employee benefits or the respective union health and welfare programs.

OTHER DOCUMENTS NEEDED

- [BJCF-439](#), Employee Drug/Alcohol Testing and Personal Search Consent Agreement
- [BJCF-886](#), Applicant Agreement Concerning Illegal Drugs and Alcohol
- [BJCF-887](#), Applicant Drug/Alcohol Testing Consent Agreement
- [BJCF-888](#), Agreement Concerning Illegal Drugs, Unauthorized Controlled Substances and/or Alcohol for Testing Designated Positions
- [BJCF-895](#), Reasonable Suspicion/For Cause Drug and Alcohol Test and Personal Search Manager's Checklist
- BJC Knoxville Building and Construction Trades Council Work Rules/Regulations/Standards of Conduct

WHAT TO DO

A. Pre-placement Testing: Applicants for Employment and Employees Seeking Transfer to Testing Designated Positions (TDP)

NOTE 1: Persons who use, possess, sell, distribute, traffic, or manufacture illegal drugs or who are under the influence of alcohol will not be considered for employment with BJC. Pre-employment screening practices, utilizing a multi-panel POC UDS and BAT, will be used to prevent individuals from being hired who use illegal drugs or those who use controlled substances without proper authorization to do so or those who abuse alcohol. Applicants will not be considered for employment until they have passed, among other pre-placement requirements, a drug and BAT test. The BJC Medical Review Officer (MRO) will notify only the Manager of Human Resources/Labor Relations if the applicant receives a Confirmed Positive for illegal drugs or unauthorized controlled substance or alcohol as a result of the pre-employment drug and alcohol screening. Human Resources/Labor Relations Staffing will withdraw the offer of employment in writing. Applicants determined to be under the influence of drugs or alcohol will be requested to obtain transportation by others.

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If the POC UDS is positive for prescription drugs, the BJC MRO will attempt to determine whether the applicant has a legal prescription. If a legal prescription exists, the BJC MRO determines if the individual is capable of safely reporting for duty. If applicant is unable to safely report for duty, the BJC MRO will notify the Manager of Human Resources/Labor Relations (in any case herein, if the Manager of Human Resources/Labor Relations is not available, contact the next higher level manager) who rescinds the employment offer.

NOTE 2: A multi-panel POC UDS and BAT will also apply to any employee being considered for a transfer to a TDP as detailed in the definitions in Attachment A of this procedure. Final selection of an employee for assignment to a TDP will not be made until the employee has passed a drug and alcohol test.

NOTE 3: The results of any pre-placement drug or alcohol test given will remain confidential and shall only be used for the purpose of determining whether an applicant may be employed by BJC, meets site access requirements, or for the purpose of determining whether selection of an employee will be made to transfer to a TDP.

Human
Resources
Staffing/Labor
Relations

1. Ensure that all staffing requisitions and job postings for vacancies in TDPs include the notation "WSAP Position," as defined in Attachment A, and indicate the position is a TDP and subject to random POC UDS drug and BAT testing.
2. Obtain a completed and signed BJCF-887, Applicant Drug/Alcohol Testing Consent Agreement, and a BJCF-886, Applicant Agreement Concerning Illegal Drugs and Alcohol, from each applicant to be offered employment.
3. Assure that a completed and signed BJCF-439, Employee Drug/Alcohol Testing and Personal Search Consent Agreement, is on file for each employee to be offered a transfer to a TDP.
4. **IF** a completed and signed BJCF-439, Employee Drug/Alcohol Testing and Personal Search Consent Agreement, is not on file, **THEN** have employee complete one at the time of application for a TDP.
5. Secure drug tests through a Certified Collection Facility and certified laboratory and ensure that test results are negative before any new hire, rehire, reinstatement, or recall is placed on the BJC payroll.
6. Ensure that negative test results are received prior to any employee transfer into a TDP.

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7. Notify applicants in writing who have tested with a Confirmed Positive test result that their offer of employment is being withdrawn because they were unable to meet pre-employment requirements. Positive test results will only be disseminated to those with a need to know. Also notify the applicable Union Business Agent for Knoxville Building and Construction Trades applicants.
8. **IF** a Confirmed Positive test result is received for an employee requesting transfer to a TDP, **THEN**
 notify employee that the position will not be available to them because they were unable to meet the requirements. Refer to Section F of this procedure for "Actions Following a Positive Drug and Alcohol Test Result."

B. Selecting Individuals in TDPs for Random Testing

NOTE 1: All persons assigned to a TDP are subject to random drug and alcohol testing on an ongoing basis. Employees subject to multi-panel POC UDS and BAT random drug testing will be informed that their position is a TDP and will be required to sign [BJCF-439](#), Employee Agreement Concerning Illegal Drugs for Testing Designated Positions, prior to conducting any such random testing.

NOTE 2: Commercial motor vehicle operators and supervisors who occupy TDPs who are subject to random testing under another federally required drug testing program are exempt from this random testing requirement to avoid unnecessary multiple tests, unless they hold Personnel Security Assurance Positions (PSAP). Such employees and supervisors in PSAP positions, if any, must participate in both random programs.

Human
Resources/
Labor Relations

1. Utilize a business sensitive computerized system for randomly selecting names of individuals holding TDPs to undergo random testing each workweek. This list is separate from the DOT random testing list. Fifty percent of TDPs will be tested during each calendar year.
2. Maintain electronic business sensitive records containing the following information:
 - All random selections, including frequencies for individuals tested during each 12-month period;
 - Employee responses to company requests to report for random testing including information indicating whether the employee selected was out of town on BJC business; in training, out of town, out due to illness or Paid Time Off or Scheduled Day Off; or whether on site, but unable to be contacted and the reason for his or her inability to be contacted;
 - Employees reporting for testing, with the date and time employee reported and was tested.

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3. Maintain the aggregate information listed above and keep it available in a format readily available for audit by BJC, DOE, or any other organization with the authority to audit such records.
4. Maintain an updated database listing of employees at BJC in TDPs who are subject to random testing under this program. Compile in January of each year a statistical summary of the data for the previous calendar year on the drug-testing component of this program. This statistical summary will not include specific employee identifiers, such as employee name. This statistical summary will be maintained in an auditable manner for review by the DOE upon their request.
5. Promptly inform either the selected employee or the selected employee's supervisor when an employee has been selected for random testing. Arrange for or ensure that the employee(s) selected promptly reports to the Certified Collection Facility for testing.
6. Update computer database of date and time employee(s) is notified.
IF the employee(s) is not available, **THEN**
update the computer database with date, time, and reason employee will not be reporting to the Certified Collection Facility for testing.
7. Maintain records with the date and time employee(s) reported for and completed testing.

Occupational
Medical
Provider

C. Determining if “Reasonable Suspicion” or “For Cause” Testing Will Be Conducted

NOTE 1: Where there is reasonable suspicion that an employee may be under the influence or in possession of an illegal drug, or under the influence or in possession of a controlled substance without proper authorization for that substance, or under the influence of alcohol on company time or company premises, the employee may be required to submit to a multi-panel POC UDS and BAT, and a personal search. Any manager or supervisor authorized to request a “Reasonable Suspicion” or “For Cause” testing will receive training to assess whether an employee may be under the influence of drugs or alcohol. Time is of the essence, particularly for alcohol. The manager or supervisor will immediately notify only the Manager of Human Resources/Labor Relations to determine if “Reasonable Suspicion” or “For Cause” testing will be conducted.

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The following circumstances are a partial list of events that may warrant a determination of “Reasonable Suspicion” or “For Cause” testing:

- Behavior that could indicate intoxication or drug use
- Unsafe behavior

NOTE 2: The fact that an employee had a Confirmed Positive test for the use of illegal drugs or alcohol at some prior time, or has undergone a period of rehabilitation or treatment, will not, by itself, be grounds for testing on the basis of reasonable suspicion. “Reasonable Suspicion” or “For Cause” testing must be based on performance-related and or behavior issues and must be confirmed by at least two managers. No adverse action will be taken against any of the involved personnel who requested a “Reasonable Suspicion” or “For Cause” test.

NOTE 3: In accordance with the applicable Progressive Discipline Policy or the Work Rules/Regulations/Standards of Conduct, all “Near Misses,” or two incidents of discipline for Unsafe Work Practices within two consecutive months, may be considered justification for a “For Cause” test.

- | | |
|--|---|
| Any Employee | <ol style="list-style-type: none"> 1. Notice, observe, or learn of illegal drug involvement of a co-worker. Notice or observe the use of alcohol or other controlled substance or notice behavior that could be attributed to being under the influence of illegal drugs or alcohol on company time or premises. All employees are responsible for reporting the facts to a supervisor. |
| Manager/
Supervisor | <ol style="list-style-type: none"> 2. Notice, observe, or learn of illegal drug involvement of an employee. Notice, observe or learn of an employee being under the influence of alcohol or other controlled substance on company time or premises. If there are health or safety related concerns, the Supervisor will consult with the Manager of Environment, Safety and Health (ES&H) and take action to mitigate the health or safety- related concerns. 3. If there are no immediate health or safety concerns, take no immediate action relative to the employee suspected of illegal drug, alcohol, or controlled substance abuse until the matter has been investigated. 4. Notify Human Resources; also, notify Labor Relations if a bargaining unit employee is involved. |
| Human
Resources/Labor
Relations/
Manager/
Supervisor | <ol style="list-style-type: none"> 5. Interview the employee, provide him or her with the facts and circumstances of the investigation, and ask him or her for an explanation. 6. Investigate, as appropriate, any new information provided by the employee. |

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7. Limit the number of personnel involved in the case. Instruct personnel not to communicate business sensitive information about the case or about the results of the drug or alcohol test to persons not authorized to receive it, and otherwise protect the confidentiality of the matter and the privacy interests of the individual.
8. Notify only the Manager of Human Resources/Labor Relations that an employee is being considered for a drug and alcohol test.
9. Make a preliminary decision.

IF the evidence is insufficient to warrant further examination of the incident, **THEN**
the matter ends.

IF the evidence warrants further investigation, **THEN**
initiate a complete and comprehensive investigation. Maintain a confidential written record of observations or actions related to the matter and provide the written record only to the Manager of Human Resources/Labor Relations.

10. Make a final decision.

IF the evidence is insufficient, **THEN**
the investigation ends.

IF the evidence supports the suspicion of illegal drug use, alcohol, or controlled substance abuse, **THEN**

order a “Reasonable Suspicion” or “For Cause” multi-panel POC UDS and BAT and escort, or arrange for an escort, for that employee to a Certified Collection Facility.

11. Inform Occupational Medical Provider to supply drug and alcohol test results only to the Manager of Human Resources/Labor Relations.

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D. Determining if Occurrence or Work-Related Accident or Injury Testing Will Be Conducted

NOTE 1: Any employee involved in an occurrence or work-related accident or injury (as defined in Attachment A of the procedure) will be required to submit to a multi-panel POC UDS and BAT.

NOTE 2: If incident occurs outside BJC site Medical Service operating hours, contact the Park Shift Superintendent (PSS) to dispatch Emergency Medical Technicians (EMT); EMT will treat per the BJC EMT protocol. If an injury involves other than minor first aid, employee will be transported to Methodist Hospital Emergency Department by EMT ambulance accompanied by supervisor or safety representative. Request expanded multi-panel UDS and BAT (if available; if not available, request urine alcohol test). Supervisor will contact on-call BJC Medical Professional.

NOTE 3: DOE determines which occurrences Contractors must report to them. These occurrences are addressed under DOE orders, rules, and regulations. If an occurrence (as defined in Attachment A of this procedure) takes place, it may be necessary to test the individuals who could have caused or contributed to the conditions which caused the occurrence.

Manager/
Supervisor/MRO

1. Investigate the occurrence and determine if any individual should be tested.
2. **IF** the occurrence requires immediate notification or reporting under a DOE order, rule or regulation, **THEN** order testing for an individual as soon as possible after the occurrence but within 24 hours of the occurrence unless DOE determines that it is not feasible to do so.
3. Request DOE approval for any exception to the requirement to conduct drug or alcohol testing of an individual involved in an occurrence within 24 hours of an occurrence when it is not feasible to conduct post-occurrence testing.
4. Contact Manager of Human Resources or Labor Relations Manager for concurrence to test.
5. Order drug and alcohol testing when an investigation indicates such testing is warranted when an employee could have caused or contributed to the conditions which caused an occurrence as defined in Attachment A of this procedure.

Supervisor or
ES&H
Representative

6. Escort the employee or arrange to have an escort for the employee to a Certified Collection Facility for a post-occurrence drug test.

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E. Conducting a Drug Test for Any Reason

Occupational
Medical
Provider/Human
Resources/Labor
Relations

1. Verify that a BJCF-439, Employee Drug/Alcohol Testing and Personal Search Consent Agreement, is on file for the employee before the testing process begins. **IF** unable to verify that such consent form is on file, **THEN** have employee complete one prior to the drug and alcohol testing process.
2. Maintain the confidentiality of all documentation related to the drug and alcohol program.

Employee

3. Provide samples for testing as required. If there is no legitimate medical explanation for failure to provide a sample, the result is refusal to test.
4. If an employee refuses to consent to a required drug or alcohol test or personal search, a determination of a Confirmed Positive test will result, which will be considered cause for disciplinary action up to and including termination, even for a first offense. The individual failing to cooperate shall be treated in all respects as if he or she had been tested and had been determined to be under the influence of or in possession of an illegal drug, controlled substance, or alcohol.

Failure to report as directed for testing is a serious violation and is subject to discipline, up to and including termination.

If the individual holds or is an applicant for a security clearance, his or her failure to cooperate in the collection process will be promptly reported to the Manager of Security, who will notify DOE Security personnel.

Authorized
Collection
Facility
Personnel

5. Ensure that sample collection, chain of custody, testing, recording, and reporting procedures meet requirements of all applicable local, state, and federal laws. Also ensure that equipment used in drug or alcohol tests are approved based on the requirements of the subcontract and of local, state, and federal laws.

NOTE: The Occupational Medical Provider/MRO will provide the results of all drug and alcohol testing only to the Manager of Human Resources/Labor Relations. The Manager of Human Resources/Labor Relations will be responsible for determining which positive drug and alcohol test results will be provided to the Manager of Security for cleared employees or applicants for a security clearance. The Manager of Security will determine whether DOE Security officials must be notified of any positive drug or alcohol test and has the responsibility of notifying DOE in those specific instances. Information obtained on individuals in the administration and enforcement of this Drug and Alcohol Control Program will be treated confidentially and disclosed only to those who have a need to know.

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Occupational
Medical
Provider/MRO

6. Receive all drug and alcohol testing results. Make determination of alcohol level or presence of illegal drugs in accordance with applicable legal requirements.

Occupational
Medical Provider
and Manager of
Human
Resources/
Labor Relations

7. **IF** the laboratory confirmed test result is negative, **THEN** report the negative result to the Manager of Human Resources/Labor Relations. The investigation ends and the Manager of Human Resources/Labor Relations notifies the employee and the applicable supervisor.

Occupational
Medical
Provider/MRO

8. **IF** the laboratory confirmed the UDS test result as non-negative, **THEN**, the prescribed MRO procedure will be followed.

9. **IF** the MRO determines that the laboratory confirmed non-negative result is positive, **THEN** contact only the Manager of Human Resources/Labor Relations with the positive results.

10. Notify the employee, in person, of the positive test result finding. Discuss positive results with the employee and provide him or her an opportunity to explain the test result.

11. Inform individual he or she has the right to request a re-testing of the same urine sample at the same or another certified laboratory. In such case, the individual must request a retest no later than the workday immediately following the initial positive test result. If the employee chooses a re-test, he or she is responsible for paying the costs of shipping and retesting. This applies to urine specimen testing only. If the results of the retest are negative, the company will reimburse the employee for the amount the employee paid for the retest. Re-testing with a BAT cannot be conducted since alcohol levels decrease quickly over time.

12. **IF** the MRO determines that the laboratory non-negative result is negative, **THEN** the entire testing is considered negative and the individual is informed.

NOTE: In appropriate cases, Human Resources/Labor Relations may impose paid or unpaid administrative leave pending a final determination.

13. Ensure that test results and any associated records are retained in locked files which include all drug and alcohol test result reports, all specimen custody and control forms, and other information completed in connection with drug and alcohol testing. These locked files will have controlled access.

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F. Actions Following a Positive Drug or Alcohol Test Result

NOTE: Employees with a Confirmed Positive test result (including the first offense) for illegal drugs, alcohol, or unauthorized substance may be subject to disciplinary actions. An employee who tests positive for the use of an illegal substance or for a controlled substance without proper authorization may be required to enter the EAP for counseling. Further, any employee found to be under the influence of alcohol on company time or premises may also be required to enter the EAP. Failure to enter and strictly comply with EAP requirements will lead to disciplinary action up to and including termination based on the circumstances and in accordance with the applicable BJC Progressive Discipline Policy or Work Rules/Regulations/Standards of Conduct. An employee will be terminated following a second offense. Employees may gain access to his or her own drug or alcohol testing records upon written request. These records are maintained confidentially.

Manager of
Human
Resources/
Labor Relations/
Occupational
Medical Provider

1. Review the findings in conjunction with the Company discipline policies and procedures and make appropriate determination in conjunction with the employee’s supervisor and Functional Manager. Pending a final determination, an employee determined unable to safely perform work may be placed on appropriate leave status and will be requested to obtain transportation by others.

G. Notifications of Employee Information

Employee

1. Notify their Supervisor and the Site Occupational Medical Director of physical or psychological condition requiring prescribed medication or treatment that could have a negative effect on an employee’s ability to work safely.
2. Employees holding a security clearance or applying for a clearance must notify the Manager of Security of any drug- or alcohol-related arrest or conviction or receipt of a positive drug or alcohol test result as soon as possible but within two (2) working days of such arrest, conviction, or receipt, regardless of whether it occurs on or off the job. This notification requirement also applies to uncleared employees, who should notify the Manager of Human Resources/Labor Relations.
3. Notify the Manager of Human Resources/Labor Relations in writing of a conviction under a criminal statute within 10 days of a drug- or alcohol-related conviction.

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Manager of Security 4. Report the information to DOE Security personnel for those employees who hold or are an applicant for a security clearance as soon as possible but within two (2) working days of BJC receipt of the information from the employee.

Manager of Human Resources/Labor Relations 5. Work in conjunction with the supervisor to impose disciplinary action in accordance with Company discipline policies and procedures in a timely manner after notice is received.

6. Ensure DOE Contracting Officer receives written notification within 10 days of receipt of an employee’s written notification of a conviction of a violation occurring on the DOE site.

H. Drug and Alcohol Searches

NOTE: Employees should have no expectation of privacy with respect to items on BJC premises. Managers and supervisors will not conduct drug and alcohol searches. Security personnel usually conduct drug and alcohol searches; a local law enforcement officer may also do so in appropriate cases. Drug and alcohol searches of an individual and searches of vehicles in company parking lots will be conducted only (1) when there is reason to suspect use, possession, sale, distribution, trafficking in, or manufacture of illegal drugs; or (2) where there is reason to suspect that an employee is under the influence of a controlled substance without the proper authorization; or (3) under the influence of alcohol on company time or company premises; and (4) after the employee under suspicion has consented to the search and has signed BJCF-439, Employee Drug/Alcohol and Personal Search Consent Agreement. If unable to verify that such consent form is on file, then have employee complete one prior to conducting the drug and alcohol search. In addition to “For Cause” searches, unannounced searches may be conducted and may include the use of drug detection dogs.

Any Employee 1. Notice or observe activity which causes him or her to believe that another individual is in possession of illegal drugs or under the influence of controlled substances without proper authorization or is under the influence of alcohol on company time or premises and reports the fact to a supervisor.

Supervisor 2. Notice, observe, or learn of an activity or circumstance which causes him or her to believe that an employee is in possession of illegal drugs or under the influence of controlled substance or alcohol on company time or company premises.

3. Instruct the employee to remain in a private area and maintain continuous observation of the employee.

4. Contact the PSS to dispatch Security personnel.

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5. Contact the Manager of Human Resources/Labor Relations for approval.
6. Take no action relative to the employee suspected of possession of illegal drugs or controlled substances or alcohol until the Manager of Human Resources/Labor Relations has reviewed the matter.

NOTE: When requesting assistance from Security Forces Member or Designee or Local Law Enforcement, the requestor should specify the gender of the employee to be guarded so that the Security Force Member or Designee or Local Law Enforcement Officer dispatched is of the same gender.

Manager of
Human
Resources/Labor
Relations

7. Review circumstances and approve personal search.

Security Force
Member or
Designee or
Local Law
Enforcement
Officer of the
same Gender as
the Employee
Under Suspicion

8. Determine if reasonable suspicion exists to believe that the suspected individual is in possession of illegal drugs or under the influence of controlled substances or alcohol on company time or company premises.
9. **IF** reasonable suspicion exists, **THEN** direct the supervisor to remain in a private office area with the employee and observe the employee.
10. Search individual, personal effects, work areas, desks, lockers, etc. Such searches will be conducted on premises.
11. Assume supervision of the suspected individual, ensuring the employee does not have the opportunity to dispose of or destroy any drugs or alcohol that might be in his or her possession.
12. **IF** there is a reasonable suspicion that the individual still may have drugs or alcohol concealed on his or her person, **THEN** inform the individual of this belief and ask the individual to consent to a physical search of his or her person. This physical search will include touching the employee's outer clothing where the drug or alcohol is suspected to be concealed.
13. After obtaining the consent of the employee, conduct a physical search of the person to detect previously unremoved items. Any items located in this search will be removed and searched.

NOTE: The employee's refusal to consent to a search under these circumstances will be considered a basis for disciplinary action up to and including termination, even for a first refusal.

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Employee **14.** Consent to the search and cooperate with Security Force Member or Local Law Enforcement Officers in conducting the search.

Security and Supervisor **15.** Within 24 hours of conducting a search, provide a written account to the Manager of Human Resources/Labor Relations of all actions taken or observed.

I. Training and Educating Employees and Supervisors Concerning the Drug and Alcohol Control Procedure

Training Organization/ Occupational Medical Provider **1.** Conduct training and education sessions for entire workforce concerning problems of substance abuse, including illegal drug use, and the availability of assistance through the EAP and referrals to other resources, and the penalties that may be imposed upon employees for drug and alcohol-related violations. Training and education will be conducted on a periodic basis.

NOTE: Managers and supervisors will receive additional training and education regarding symptoms and warning signs of potential substance abuse.

RECORDS

All records relating to illegal drug or alcohol use, possession, or involvement shall be maintained with maximum confidentiality to the extent required by applicable statutes and regulations. Any records generated will be maintained according to established BJC records management practices.

Occupational Medical Provider **1.** Retain all test results under locked file with controlled access. Shall provide these records to BJC and DOE officials with a need to know or as required by law. Any other disclosure may only be made with the written consent of the individual concerned.

2. Retain under locked file with controlled access all test results, the Drug/Alcohol Testing Form and any other relevant information on the individual documented in the collection process.

3. The Chain of Custody Form contains the following information:

- Date of collection
- Name of specimen provider
- Social security number or other number unique to the specimen provider
- Specimen number
- Type of test (e.g., random, applicant, occurrence, post accident or injury, reasonable suspicion, for cause, or other)
- Temperature range of specimen (for urine sample only)
- Remarks regarding unusual behavior and conditions
- Collector's signature
- Certification signature of specimen provider certifying that specimen identified is in fact the specimen the individual provided.

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Labor Relations

4. Retain under locked file all written reports of incidents involving suspected illegal drug and alcohol use, possession, or involvement including:
 - Reports of actions taken or observed related to "reasonable suspicion" or "for cause" testing or personal searches;
 - Disciplinary actions taken in conjunction with Confirmed Positive drug or alcohol test results or other violations of this program; and
 - Any required counseling or programs of rehabilitation, indicating whether they were successfully completed.
5. Retain under locked file, records of all annual statistical reports of tests conducted in the aggregate, all reported incidents and the outcome of each, and all reports related to this program.

Human
Resources/Labor
Relations
(Staffing)

6. Retain the following forms:
 - BJCF-439, Employee Drug/Alcohol Testing and Personal Search Consent Agreement
 - BJCF-886, Applicant Agreement Concerning Illegal Drugs and Alcohol
 - BJCF-887, Applicant Drug/Alcohol Testing Consent Agreement
 - BJCF-888, Agreement Concerning Illegal Drugs, Unauthorized Controlled Substances and/or Alcohol for Testing Designated Positions
 - BJCF-895, Reasonable Suspicion/For Cause Drug and Alcohol Testing and Personal Search Manager's Checklist
 - Copy of letter retracting offer of employment if candidate does not obtain a negative pre-employment drug screening
 - Official notification from certified Laboratory of all pre-employment drug-testing results

**SOURCE
DOCUMENTS**

None.

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Attachment A
DEFINITIONS/ACRONYMS
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BJC – Bechtel Jacobs Company LLC

Breath Alcohol Test (BAT) – A Breathalyzer test performed in accordance with DOT guidelines.

Chain of Custody – Procedure for maintaining control and accountability from point of collection to final disposition of specimens consistent with the Health and Human Services Mandatory Guidelines.

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

Collection Site Personnel – Technician or other person trained and qualified to obtain and secure urine for future laboratory analysis or who is trained to conduct BATs.

Confirmed Positive Urine Drug Screen Test – Finding based on MRO review of a laboratory confirmed non-negative UDS result; levels that exceed those indicated in Attachment B.

Confirmed Positive BAT Test – Finding based on an alcohol screening result in detecting an alcohol level on the breath at or above a level of 0.02.

DOE – U.S. Department of Energy

DOT – Department of Transportation

Drug Test – Test performed by urinalysis in two stages. In the first stage, screening is performed by POC dipsticks, or enzyme magnified immunoassay technique (EMIT) is used to screen urine specimens for classes of drugs. In the second stage, any positive results found in the first stage will be confirmed using the tandem technique of Gas Chromatography/Mass Spectrophotometry. No test result will be reported by the independent laboratory as a non-negative drug test unless both the initial and the confirming test meet or exceed the specified threshold levels. Testing will be consistent with 10 CFR 707.11 covering the following drugs or classes of drugs: marijuana, cocaine, opiates, phencyclidine, and amphetamines. When conducting reasonable suspicion or occurrence testing, testing may include any drug listed in Schedules I or II of the Controlled Substances Act. Testing will be consistent with the “Mandatory Guidelines for Federal Workplace Drug Testing Programs” (observing the provisions for use of split samples) as contained in 53 Federal Register 11970, 4/11/88, and as revised.

EAP – Employee Assistance Program

EMT – Emergency Medical Technician

ES&H – Environment, Safety and Health

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Attachment A
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Illegal Drug – Any substance specified under Schedule I through V of the Federal Controlled Substances Act (21 USC 811) or by state statute as being unlawful to possess. Examples are marijuana, cocaine, heroin, quaaludes, hallucinogens, and other street, drugs; and controlled prescription drugs such as amphetamines and barbiturates that have not been lawfully prescribed for the individual using or possessing them. The term does not apply to the use of a controlled substance in accordance with the terms of a valid prescription, or other uses authorized by law. Where federal law is more stringent than state or local laws, federal law will be followed.

MRO – Medical Review Officer

Near Miss – Events that result in creation of a credible risk of an Occupational Safety and Health Administration reportable workplace injury or damage to real or personal property.

Occurrence – Any event or incident that is a deviation from the planned or expected behavior or course of events in connection with any site operation if the deviation has environmental, public health and safety, or national security protection significance. Incidents having such significance include, but are not limited to, the following or incidents of a similar nature:

- Injury or fatality to any person or significant damage to property
- Involvement of nuclear explosives under DOE jurisdiction which results in an explosion, fire, the spread of radioactive material, personal injury or death, or significant damage to property
- Accidental release of pollutants which results or could result in a significant effect on the public or environment
- Accidental release of radioactive material above regulatory limits.

Personnel Security Assurance Program (PSAP) – Program required by DOE Order 472.1B "Personnel Security Activities" dated March 24, 1997.

POC UDS – Point of Collection Urine Drug Screen – Collection method that provides immediate test results of donor's urine specimen.

PSS – Plant Shift Superintendent

Random Testing – Unscheduled, unannounced urine drug and alcohol testing of randomly selected individuals in TDPs by a process designed to ensure that selections are made in a nondiscriminatory manner and without advance notice to the individuals to be tested.

Reasonable Suspicion – Suspicion based on a belief that an employee either uses, possesses, or is under the influence of illegal drugs, alcohol, or other controlled substances with or without proper authorization on company time or premises drawn from facts and reasonable inferences from those facts as detailed in Section C of this procedure.

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Attachment A
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Testing Designated Positions (TDP) – Positions that are subject to random drug and alcohol testing, and as identified by BJC, entail duties where failure of an employee to adequately perform his or her position could significantly harm the environment, public health or safety, or national security. The positions include:

- Pilots
- Firefighters
- PSAP positions
- Protective force personnel (armed)
- Personnel directly engaged in construction, maintenance, or operation of nuclear reactors
- Employees or individuals having unescorted access to the control areas of the High Flux Isotope Reactor (HFIR)
- Personnel directly engaged in production, use, storage, transportation, or disposal of hazardous materials sufficient to cause significant harm to the environment or the public health and safety
- Other positions determined by BJC, after consultation with DOE that have the potential to significantly affect the environment, public health and safety, or national security.

Unsafe Work Practice – Violation of safety rules or behavior that a reasonable person familiar with the conduct of a specific activity would view as creating a higher risk of an accident or injury than is acceptable at a BJC work site.

Workplace Substance Abuse Program (WSAP) Position – Any TDP which is not a PSAP Position.

Work-Related Accident or Injury (e.g., any recordable incident) – The Corporate Medical Director, or designee, may, in his professional discretion and in consultation with the supervisor, exclude minor soft tissue injuries such as muscle strains, and minor incidents involving poison ivy, bee stings, minor burns, etc., unless they were a contributor to a more severe incident or injury.

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Attachment B
CUTOFF LEVELS FOR DRUG TESTING
Nanograms per Milliliter
(excerpted from current DHHS Guidelines)

Drug or Class of Drug	Initial Screen Cutoff ng/mL	Confirmatory Screen Cutoff ng/mL
Marijuana*	50 **	15
Cocaine*	300 **	150
Opiates Multi-panel*	300 **	300
Phencyclidine*	25	25
Amphetamines*	1,000 **	500
Methamphetamine ² *	1000 **	500
Oxycodone	100 **	50
Barbituates	300 **	200
Benzodiazepines	300 **	200
Methadone	300 **	200
Meperidine	300	200
Tramadol	200	200

* Panel utilized for Pre-Hire

** Panel currently utilized for Random and Post Accident