

DIRECTIVES CONTROL FORM - ORO O FINAL DIRECTIVE

PART A (To be completed by the Division of Primary Interest (DPI))

1. **NUMBER AND TITLE OF DIRECTIVE:** **ORO O 340, CHAPTER IV, DRUG-FREE WORKPLACE TESTING IMPLEMENTATION PROGRAM**

2. **PURPOSE OF TRANSMITTAL:** ___ New Directive X Revised Directive ___ Page Change

3. **APPLICABILITY:** Does directive cover work performed by contractor(s)? Check appropriate boxes:

X No (all contractors)

___ Yes If yes, whom?

___ LMES

___ ORAU

___ SURA

___ LMER

___ Other contractors (list by type)

4. **SUMMARY OF SIGNIFICANT PROVISIONS OR CHANGES:**

Incorporates Chapter IV in the 340 Series (formerly OR 3792.3).

5. **CONTACT POINT:** Lois Jago Personnel Management and Analysis Branch, AD-442 576-0680
Name Organization Telephone

PART B (To be completed by the Directives Management Group (DMG)):

6. **FILING INSTRUCTIONS:**

<u>Remove</u>	<u>Dated</u>	<u>Insert</u>	<u>Dated</u>
OR 3792.3	05-11-89	ORO O Control Form ORO O 340, Chapter IV	09-07-96 09-07-96

7. **APPROVED FOR DISTRIBUTION IN ACCORDANCE WITH THE OFFICIAL DIRECTIVES DISTRIBUTION LIST:**

Original Signed By Jennifer H. Cusick

09/07/1996

Signature Management Analyst, AD-440

Date

U.S. Department of Energy

Oak Ridge Operations

ORO O 340
Chapter IV

DATE: 09-07-96

SUBJECT: DRUG-FREE WORKPLACE TESTING IMPLEMENTATION PROGRAM

1. PURPOSE. This Chapter correlates to DOE O 343.2 (formerly DOE 3792.3), DRUG-FREE FEDERAL WORKPLACE TESTING IMPLEMENTATION PROGRAM, dated July 29, 1988, which has now been renumbered in accordance with the new DOE Order Numbering System, as published in DOE M 251.1-1, Change 1, dated December 12, 1995. Nothing within the DOE Order has been changed at this point, but if a new DOE Order is published, it will be numbered in this manner. Until that time, the new number is assigned to the previous DOE Order. This new Oak Ridge Operations (ORO) Chapter assigns responsibility and accountability and provides administrative guidance to ORO and Office of Scientific and Technical Information (OSTI). Nothing in this issuance changes any requirements contained in any DOE Order.
2. CANCELLATION. This Chapter cancels and replaces OR 3792.3, DRUG-FREE WORKPLACE TESTING IMPLEMENTATION PROGRAM, dated May 11, 1989.
3. APPLICABILITY. The provisions of this Chapter apply to all ORO and OSTI employees.
4. RESPONSIBILITIES.
 - a. Manager, ORO, and Manager, OSTI.
 - (1) Concur in a determination by a supervisor that an employee who has been determined to have used illegal drugs shall be returned to sensitive duties.
 - (2) Request approval from the Deputy Assistant Secretary for Human Resources, DOE Headquarters (HR-3), before requiring an employee to undergo a test under the reasonable suspicion provision more than once in a 12-month period.
 - (3) Concur in the submission of position nominations for testing designated positions.
 - (4) Request concurrence from HR-3 for the use of administrative leave in excess of 10 days in accordance with DOE O 343.2, Chapter III, subparagraph 5d(2)(b).
 - (5) Request approval of exceptions to DOE O 343.2.
 - b. Assistant Managers, ORO and OSTI, concur in a determination by a supervisor that the "reasonable suspicion" criteria for drug testing have been met.
 - c. Assistant Manager for Environment, Safety, and Quality (AMESQ) determines when an occurrence requiring notification within 72 hours shall lead to drug testing of involved employees.
 - d. Chief Counsel provides legal advice and assistance as needed regarding actions taken relating to the DOE drug testing program.

e. Director, Personnel Division.

- (1) Designates an ORO Program Coordinator and site coordinators as necessary, who receive notices of employees to be tested, test results, and serve as liaison with the Departmental Drug Testing Program Manager.
- (2) Designates the Employee Assistance Coordinator(s) and ensures that the responsibilities described in DOE O 343.1 (formerly DOE 3792.1), EMPLOYEE ASSISTANCE PROGRAM, and DOE O 343.2 are carried out in accordance with the provision of these Orders.
- (3) Provides day-to-day advice and guidance to managers and supervisors on matters relating to the DOE drug testing program.
- (4) Performs all phases of technical and staff support to organizational units within ORO and OSTI on matters relating to the implementation of this Chapter and related directives.
- (5) Concurs in the decision to approve administrative leave up to 10 days in accordance with DOE O 343.2, Chapter III, subparagraph 5d(2).

f. Director, Safeguards and Security Division (SSD).

- (1) Concurs in determinations that an employee who has been determined to have used illegal drugs should be returned to sensitive duties.
- (2) Provides advice and guidance to managers and supervisors on matters relating to security aspects of the DOE drug testing program.

g. ORO and OSTI Principal Staff.

- (1) Approve administrative leave up to 10 days in accordance with DOE O 343.2, Chapter III, subparagraph 5d(2), with the prior concurrence of the Personnel Division. This authority only applies to administrative leave during the abbreviated notice period for an adverse action where the "crime provision" is invoked for a drug-related offense.
- (2) Propose or decide on disciplinary and adverse actions related to the DOE drug testing program in accordance with the requirements of DOE O 333.1 (formerly DOE 3750.1), WORK FORCE DISCIPLINE, and ORIG 3750.1A, same title.

h. Supervisors.

- (1) Direct an employee to submit a urine specimen for testing if, in the view of the supervisor and after concurrence by the appropriate manager (and, if more than once in a 12-month period, by HR-3) the "reasonable suspicion" criteria for drug testing has been met.

- (2) Direct an employee to submit a urine specimen for testing if the AMESQ has determined that the "occurrence" criteria for drug testing has been met.
 - (3) Consult with the Personnel Division prior to taking actions following the determination of an employee's use of illegal drugs.
 - (4) Notify the SSD when an employee holding a DOE security clearance has been determined to be a user of illegal drugs, as required by DOE O 472.1, PERSONNEL SECURITY ACTIVITIES.
 - (5) Nominate positions for inclusion in the random drug testing pool.
 - (6) Make and implement a series of decisions on removal from sensitive duties, leave, and discipline subsequent to a first-time determination of an employee's use of illegal drugs.
 - (7) Initiate action to separate from Federal service any employee who has been determined on the basis of a second confirmed positive drug test to have used illegal drugs.
 - (8) Recommend to the appropriate Manager when an employee who has been removed from sensitive duties should be returned to those duties, if in the judgment of the supervisor the employee's performance of those duties will not result in harm to the employee, co-workers, or the public, and will not jeopardize national security or the quality of the work.
 - (9) Decide whether direct observation will be required, as provided for in DOE O 343.2, Chapter II, subparagraph 6a.
 - (10) Respond to grievances related to the drug testing program in accordance with DOE O 342.1 (formerly DOE 3777.1), GRIEVANCE POLICY AND PROCEDURES, and ORO O 340, Chapter II, same title, or negotiated agreements if the employee is in a bargaining unit.
5. REQUIREMENTS AND PROCEDURES. None.
6. REFERENCES.
- a. ORO O 340, Chapter II, GRIEVANCE POLICY AND PROCEDURES, to be published, which establishes procedures and responsibilities for the administration of the Departmental grievance procedure.
 - b. ORO O 340, Chapter III, EMPLOYEE ASSISTANCE PROGRAM, to be published, which establishes procedures and responsibilities for the conduct of the ORO Employee Assistance Program.

- c. ORO O 350, Chapter VII, WORKPLACE SUBSTANCE ABUSE PROGRAMS AT OAK RIDGE SITES, dated May 31, 1996, which establishes minimum requirements for DOE contractors and subcontractors to observe in developing and implementing programs that deal with the use of illegal drugs by their employees and certain other individuals.
 - d. OR 3630.1A, LEAVE ADMINISTRATION, dated November 2, 1987, which establishes procedures and responsibilities for the use of leave.
 - e. ORIG 3750.1A, WORK FORCE DISCIPLINE, dated September 14, 1992, which assigns responsibilities and accountability and provides administrative guidance for executing disciplinary actions based on conduct and/or performance and nondisciplinary adverse actions.
- 7. DEFINITIONS. None.
 - 8. CONTRACTOR REQUIREMENTS DOCUMENT. None.
 - 9. ATTACHMENTS. None.