

HUMAN RESOURCES SERVICES

RESPONSIBILITIES

DATED: 11/26/2008

SUBJECT: DRUG-FREE WORKPLACE TESTING IMPLEMENTATION PROGRAM

1. PURPOSE. This document addresses responsibility and accountability and provides administrative guidance to Oak Ridge Office (ORO) and the Office of Scientific and Technical Information (OSTI).
2. APPLICABILITY. The provisions of this document apply to ORO and OSTI Principal Staff.
3. RESPONSIBILITIES.
 - a. Manager, ORO; and Director, OSTI.
 - (1) Concur in a determination by a supervisor that an employee who has been determined to have used illegal drugs will be returned to sensitive duties.
 - (2) Request approval from the Office of Human Resources Management, DOE Headquarters (HR-1), before requiring an employee to undergo a test under the "reasonable suspicion" provision (as defined in DOE O 3792.3, Change 1, subparagraph 4f) 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-1 for the use of administrative leave in excess of 10 calendar days in accordance with DOE O 3792.3, Change 1, Chapter III, subparagraph 5d(2)(b).
 - (5) Request approval of exceptions to DOE O 3792.3, Change 1.
 - b. Assistant Managers, ORO and OSTI, concur in a determination by a supervisor that the "reasonable suspicion" criteria, as defined in DOE O 3792.3, Change 1, subparagraph 4f, for drug testing has been met.
 - c. Assistant Manager for Environment, Safety, and Health (AMESH) determines when an occurrence, as defined in DOE O 3792.3, Change 1, subparagraph 4i, requiring notification within 72 hours will 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, Human Resources Division (HRD).
 - (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 3792.3, Change 1, are carried out in accordance with the provisions of this Directive.

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- (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 document and related Directives.
 - (5) Concurs in the decision to approve administrative leave up to 10 calendar days in accordance with DOE O 3792.3, Change 1, Chapter III, subparagraph 5d(2).
- f. Assistant Manager for Security and Emergency Management (AMSEM).
- (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 calendar days in accordance with DOE O 3792.3, Change 1, Chapter III, subparagraph 5d(2), with the prior concurrence of the ORO HRD. 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 3750.1, Change 6, WORK FORCE DISCIPLINE, and ORO O 330.
- 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-1) the "reasonable suspicion" criteria (as defined in DOE O 3792.3, Change 1, subparagraph 4f) for drug testing has been met.
 - (2) Direct an employee to submit a urine specimen for testing if the AMESH has determined that the "occurrence" criteria (as defined in DOE O 3792.3, Change 1, subparagraph 4i) for drug testing have been met.
 - (3) Consult with the ORO HRD prior to taking actions following the determination of an employee's use of illegal drugs.
 - (4) Notify the AMSEM when an employee holding a DOE security clearance has been determined to be a user of illegal drugs, as required by DOE O 470.4, SAFEGUARDS AND SECURITY PROGRAM.
 - (5) Nominate positions for inclusion in the random drug testing pool.

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- (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 3792.3, Change 1, Chapter II, subparagraph 6a.
- (10) Respond to grievances related to the DOE Drug Testing Program in accordance with, DOE O 342.1, GRIEVANCE POLICY AND PROCEDURES, or negotiated agreements if the employee is in a bargaining unit.

4. REFERENCES.

- a. DOE O 342.1, GRIEVANCE POLICY AND PROCEDURES, dated February 2, 2006.
- b. DOE O 470.4, SAFEGUARDS AND SECURITY PROGRAM, dated August 8, 2005.
- c. DOE O 3750.1, Change 6, WORKFORCE DISCIPLINE, dated August 21, 1992.