Department of Energy
Brookhaven Site Office
P.O. Box 5000
Upton, New York 11973

JUN 18 2008

Dr. Samuel H. Aronson, Director
Brookhaven Science Associates, LLC
Brookhaven National Laboratory
Upton, New York 11973

Dear Dr. Aronson:

SUBJECT: DRUG TESTING POLICY AT U.S. DEPARTMENT OF ENERGY (DOE) SITES

Reference:
1. Acquisition Letter 2008-03, Revision 1, dated March 11, 2008
2. Letter from R. Gordon, SC-BHSO to S. Aronson, BSA, dated May 5, 2008, Subject: same

We have received the Workplace Substance Abuse Program Plan submitted for Brookhaven National Laboratory employees that we requested in the referenced letter. The Brookhaven Site Office has reviewed the plan and finds it meets all the requirements of the referenced Acquisition Letter. Therefore, the Plan is approved and will be incorporated as a special supplement to our current Contract.

Sincerely,

M. Holland

Michael D. Holland
Site Manager

cc: R. Ahlberg, SC-CH
K. Papp, SC-CH
E. Landini, SC-BHSO
K. Fox, BSA
S. Scocca, BSA
D. Dowling, BSA

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Effective Date: June 5, 2008

Supervisors Personnel Manual: 19.0 Alcohol and Substance Abuse

I. Policy

The Laboratory is interested in the well-being of its employees. Great emphasis is placed on maintaining a safe and efficient work environment. The achievement of this goal depends on the active cooperation of all employees. Employees are expected to have the same concern for personal safety and the safety of their fellow employees as they have for the performance of their work. The Laboratory recognizes that alcoholism and chemicals dependency are illnesses which can be treated, and the Laboratory is prepared to offer assistance to affected employees. Employees who use or traffic in illegal drugs, abuse alcohol and/or controlled substances pose unacceptable risks to the safe and efficient operation of the Laboratory. In addition to jeopardizing employee safety and/or impacting on performance, conduct and reliability, substance abuse is illegal and could lead to criminal prosecution.

II. General

Illegal Drugs

a. Employees are strictly prohibited from manufacturing, using, possessing, selling, purchasing, distributing, or being under the influence of illegal drugs on the Laboratory site or while performing Laboratory business.
b. Employees in testing designated positions, as described at the end of this section, are strictly prohibited from using, possessing, selling, purchasing, distributing or being under the influence of illegal drugs at any time.

Controlled Substances and Other Drugs

Employees are prohibited from abusing controlled substances. Since a large number of prescription and over-the-counter drugs may also impair an individual's ability to perform, employees are expected to consult their physicians for specific information on possible side effects. If valid prescription drugs and over-the-counter medications affect job performance or cause an employee to be at work in an impaired state, the employee will not be permitted to work, until medically cleared.

Alcohol

The consumption or unauthorized possession of alcoholic beverages is prohibited in all areas of the site except for the Brookhaven Center Club and the housing areas. The only

exception to this rule is that alcohol may be served at after-hours functions, with prior approval by the Department Chair or Division Manager, the Assistant or Associate Laboratory Director, and a Deputy Laboratory Director. No Employee, Guest or Contractor may drink alcohol during the course of their work day. Consumption of alcohol during BERA-sponsored sporting events is prohibited; however, participants may request permission to serve alcohol after games. Employees who consume alcohol at after-hours events should not return to the work area following the function, nor should they drive if in an impaired condition.

Requests for exceptions should be documented and submitted for approval using the Request Form for Permission to Serve Alcohol. Upon approving, the Deputy Laboratory Director will forward the approved form to the Recreation Supervisor. The Recreation Supervisor will notify the requestor of the approval and send copies to the Department Chair / Division Manager and the Assistant / Associate Laboratory Director.

On the form, the requestor specifies the place, date, time and reason for the event, the anticipated number of employees who will attend, and the name of the individual who will assume responsibility as the "host." The host must be a level 2 manager or above, or their designee. The host also signs the Request Form and commits to make every effort to ensure that the quantity of alcohol served is restricted and to prevent individuals from driving, if impaired, or returning to work.

Celebrations held off-site during lunch or other working hours should be strongly discouraged for reasons both of safety and loss of productivity. **Employees who consume alcohol during any off-site luncheon or event shall not return to work the same day.** If circumstances make it necessary to schedule off-site events at which alcohol will be served, the event host shall send a memorandum to the Deputy Director for Operations explaining how these concerns have been addressed.

III. Scope

This policy is applicable to all employees of the Laboratory, and to the extent it governs conduct on the Laboratory site it is also applicable to all those present on the Laboratory site, including guests, collaborators, contractor employees, students, etc.

IV. Responsibilities

Laboratory

The Laboratory is committed to maintaining a safe and efficient work environment, guarding against all types of accidents and maintaining high standards of job performance. The Laboratory accepts the responsibility to help stop alcohol and substance abuse and to assist employees by early assessment and providing treatment.

In order to accomplish the above, educational programs concerning alcohol and substance abuse are made available to all employees from time to time. In addition, supervisors are required to attend training programs regarding identification and referral of employees with alcohol and substance abuse problems.

If an employee is convicted under a criminal drug statute for a violation on a DOE site, the Laboratory will notify DOE within ten (10) days. Immediate notification to DOE will be given whenever circumstances raise a security concern, as provided in DOE Orders, rules, or regulation.

Supervisor

If normal means for dealing with unsatisfactory performance do not result in improvement, it is then a supervisory responsibility to refer the employee to the Employee Assistance Program (EAP) in a timely manner. If the supervisor refers an employee to the EAP, this information must only be communicated to the department/division management and the Occupational Medicine Clinic.

Employee

All employees are required to abide by the terms and provisions of this Policy.

Any employee convicted under a criminal drug statute for a violation occurring on any DOE owned or controlled site must notify the Laboratory in writing of such conviction within ten (10) days of the conviction.

Employees required to participate in the random screening program must notify the Laboratory in writing within ten (10) days of any drug-related arrest or conviction, or receipt of a positive drug test result.

Employees with chemical dependency problems or alcoholism have the primary responsibility to seek rehabilitation through the Laboratory's Employee Assistance Program or other private or public counseling services.

V. Treatment and Rehabilitation

The Laboratory maintains an EAP (Employee Assistance Program) which provides help to employees who suffer from alcohol and/or substance abuse problems. It is the responsibility of each employee to seek assistance from the EAP or other private or public services before alcohol and/or substance abuse problems adversely affect job performance. The EAP Manager is bound by professional ethics to protect the communications which occur during the course of contact.

VI. Implementation

Screening

a. For testing designated positions, the applicants for such employment will be required to pass substance and alcohol screening tests as a condition of their employment. Incumbent employees in such positions will be required to cooperate with a substance and alcohol screening program as a condition of their continuing employment. Affected employees will be informed of the specific nature of these tests.
b. Employees will be required to report to the Occupational Medicine Clinic for a medical evaluation, which may, at the discretion of the Clinic physician, include substance or alcohol screening under the following circumstances:
    1. Following an occurrence which is immediately reportable to DOE, under applicable DOE rules or regulations.
    2. As a part of a testing program instituted as a result of a prior violation of the Alcohol and Substance Abuse Policy.
c. Employees may be required to report to the Occupational Medicine Clinic for a medical evaluation, which may, at the discretion of the Clinic physician, include substance or alcohol screening under the following circumstances:
    1. Following a serious accident.
    2. When an employee's supervisor determines that there are unusual performance problems or behavior.
    3. When there exists reasonable suspicion for alcohol or drug abuse.
d. Employees consent to substance and alcohol screening, when appropriate under this policy, is a condition of continuing employment. Test results obtained under these conditions may be used in a disciplinary process.

Search

a. All U.S. Government property may be subject to search at any time. Personal property may be subject to reasonable search, with or without notice, when justified by circumstances or workplace conditions.
b. Suspected illegal drugs and drug-related paraphernalia will be confiscated. Suspected illegal drugs will be turned over to a licensed laboratory for testing and/or to the appropriate law enforcement agency for further action.

VII. Disciplinary Action

For violations of this policy, the Laboratory may combine disciplinary action with a referral to the Employee Assistance Program for treatment or with a change in job assignment. Employees in testing designated positions may be reassigned to another position, provided that such position exists. Employees may avail themselves of the applicable review or appeal mechanisms currently in existence. Depending upon the seriousness, violation of this policy will result in disciplinary action ranging from a written reprimand, to discharge. In the case of employees represented by unions, any disciplinary action is subject to the grievance procedures of the applicable Collective

Bargaining Agreement. Nonunion employees may request the assistance of the Employee Relations Manager or the Brookhaven Advocacy Council (BAC).

VIII. Definition of Terms

Abuse - The use of any substance (including alcohol, legally obtained medication, prescription drugs, or controlled substances) to the degree that the individual experiences physical, emotional or social complications which threaten health, safety, well-being or performance. The use of a substance in accordance with a valid prescription is not considered abuse.

Alcohol - Any beverage that may be legally sold and consumed that has alcohol content in excess of 0.5% by volume.

Controlled Substances - Any substance whose sale, purchase, transfer, use or possession is restricted by law. These substances include but are not limited to any and all forms of marijuana, narcotics, depressants, stimulants or hallucinogens.

Drug - Any substance, other than alcohol, capable of altering the mood, perception, pain threshold or judgment of the individual consuming it.

Illegal Drugs - Any substance whose sale, purchase, transfer, use or possession is prohibited by law. These substances include but are not limited to any and all forms of marijuana, narcotics, stimulants or hallucinogens.

Laboratory Site - Any and all property under the control of the Laboratory, including parking lots and roadways, except, in the case of alcohol consumption, on-site housing.

Trafficking - The unauthorized buying, selling, giving, receiving or transferring of controlled substances.

Under the Influence - When an individual's condition, behavior or performance is adversely influenced by a substance introduced into the body and/or when an individual is deemed by a qualified medical expert to be impaired.

IX. Testing Designated Position

As referred to in this policy, these positions are:

- All employees of Safeguards & Security Division
- Reactor Operators
- All Reactor Division employees who perform maintenance of reactor systems
- Plant Engineering Division and Central Shops Division employees who are on assignment to the Reactor Division and who are trained to perform maintenance on reactor systems

- Firefighters
- All Drivers of the Plant Engineering and Procurement and Property Management Divisions
- Riggers and Heavy Equipment Mechanic Operators
- All employees of the Hazardous Waste Management Division
- Procurement and Property Management employees assigned to the Gas Facility
- Occupational Medicine Clinic staff involved in administering testing protocol
- Water & Sewerage Operating Engineers
- A limited number of technicians who transport significant quantities of hazardous or radioactive materials on-site
- All supervision for these positions up to and including the Directorate level.
- All holders of Q or L security clearances