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Workplace Substance Abuse Program

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APPROVAL PAGE

Listed below are the personnel responsible for the preparation, review, and approval of this plan. Signatures for each have been provided on OSMS Form 4320, Document Review & Approval Form.

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ACRONYMS

CBA	Collective Bargaining Agreement
HHS	U.S. Department of Health and Human Services
DOE	U.S. Department of Energy
DOT	U.S. Department of Transportation
EAP	Employee Assistance Program
ES&H	Environment, Safety and Health
ESH&QA	Environment, Safety, Health and Quality Assurance
HR	Human Resources
HR/LR	Human Resources/Labor Relations
IT	Information Technology
MCSA	Mission Conversion Services Alliance. LLC
MRO	Medical Review Officer
OMP	Occupational Medicine Provider
OSMS	Operations and Site Mission Support
PPPO	Portsmouth Paducah Project Office
RFP	Request for Proposal
SOW	Statement of Work
S&S	Safeguards and Security
TDP	Testing Designated Position

EXECUTIVE SUMMARY

This Substance Abuse Program Plan reflects Mission Conversion Services Alliances, LLC's (MCSA's) approach to maintain a substance abuse free workplace at the U.S. Department of Energy's (DOE's) facilities located in Paducah, Kentucky and Portsmouth, Ohio operating under the authority of the Atomic Energy Act of 1954, and MCSA's administrative office located in Lexington, Kentucky. As a DOE Contractor under DOE Contract #89303325DEM000122, MCSA has integrated into this program plan the requirements of:

- DOE Order 350.1, Chg. 7, *Contractor Human Resource Management Programs*, 10 CFR 707 - *Workplace Substance Abuse Programs at DOE Sites*
- U.S. Department of Health and Human Services' (HHS's) *Mandatory Guidelines for Federal Workplace Drug Testing Programs*, 53 FR 11970, April 11, 1988 (hereinafter, "HHS Mandatory Guidelines")
- U.S. Department of Transportation's (DOT's) *Drug and Alcohol Testing Rule*, 49 CFR part 40 (hereinafter, "DOT Regulations", and the Memorandum from Samuel W. Bodman dated September 14, 2007, entitled, "Decisions regarding drug testing for Department of Energy positions that require access authorizations (Security Clearances)" (hereinafter, "Bodman Memorandum") into

This program plan has been established to protect the environment, maintain public health and safety, and safeguard national security. In compliance with DOE O 350.1, Chg. 7 and 10 CFR 707, this program plan establishes policies, criteria and procedures for developing and implementing a program that helps to maintain a workplace free from the use of illegal drugs and alcohol.

This Substance Abuse Program Plan applies to all MCSA employees, MCSA employees and personnel under respective labor agreements, seconded employees, corporate reach back personnel, and subcontractors performing work at the Paducah, Portsmouth and Lexington sites. In its program plan, MCSA has incorporated baseline services including education awareness programs on the hazards of using substances in the DOE workplace, supervisory training on their responsibilities with impaired employees, and Employee Assistance Program (EAP) services offered by MCSA to all employees through Cigna Behavioral Health, Inc. an external provider (see Attachment G) retained by MCSA. Security Police Officers (SPO), *Drug Testing Program for Security Police Officers*

Per DOE O 350.1, Chg. 7, 10 CFR 707, and the Bodman Memorandum, the drug testing provisions of this program plan apply to MCSA employees, seconded employees, corporate reach back personnel, subcontractors in Testing Designated Positions (TDPs) subject to "random" testing, "L" clearance or "Q" clearance holders, employees in process of obtaining clearances, and employees in process of obtaining clearances, and employees identified and/or subject to testing regulations of other federal agencies (e.g., DOE, HHS) performing work at the Paducah, Portsmouth and Lexington sites. Testing provisions also include "pre-employment," "for cause," and "return to duty" purposes.

1 PURPOSE

MCSA has established its substance abuse program plan in response to federal legislation concerning drugs and alcohol in the workplace and widespread abuse of drugs and alcohol in our society. The objective is to ensure a safe and healthful environment for all MCSA workers.

Although MCSA is confident that few, if any, of its employees suffer from substance abuse, this program plan provides a framework in which the eventuality of drug and alcohol problems can be dealt with in a constructive and confidential way. It properly safeguards MCSA's ability to conduct its business, while providing employees opportunity for rehabilitation and right to due process. This program plan complies with 10 CFR 707, *Workplace Substance Abuse Programs at DOE Sites*, HHS Mandatory Guidelines, the Bodman Memorandum, 10 CFR 707.5(c), and DOE drug certification requirements. Employees with security clearance or in process to obtain a security clearance must meet Department of Energy (DOE) reporting requirements independent of MCSA reporting requirements (DOE Order 472.2, Personnel Security).

2 SCOPE

MCSA is pledged to providing a drug and alcohol-free work environment. To that end, this program plan applies to all MCSA employees, MCSA employees and personnel under respective labor agreements, seconded employees, and corporate reach back. In accordance with DOE O 350.1, Chg. 7 and 10 CFR 707, subcontractors shall comply with MCSA's substance abuse program plan. Any positions subject to "random" testing, called TDPs, have been identified, and subcontractors in those positions will be included in MCSA's random drug testing pool. The requirements of this program have been included in the general terms and conditions sections of contracts issued by MCSA and are flowed down in MCSA's Request for Proposals (RFPs) and Statements of Work (SOWs).

Substance abuse is defined as "the use of controlled substances that are identified in Schedules I through V of Section 202 of the Controlled Substances Act (21 USC 812), where the use is neither authorized by law nor a valid prescription." Substance abuse in the workplace (or while on official MCSA business) and/or the unlawful possession, sale, distribution, or manufacture of a controlled substance at sites owned or controlled by DOE is prohibited. The result can lead to disciplinary action, up to and including termination (and possibly criminal prosecution if the violation occurs on DOE or other federal property). Despite medical and recreational cannabis laws in many states changing, cannabis is still illegal under federal law. The federal government regulates drugs through the Controlled Substances Act (CSA) (21 U.S.C. § 811), which does not recognize the difference between medical and recreational use of cannabis.

Employees also are prohibited from: (1) being under the influence of alcohol or illegal drugs; or (2) using controlled legal substances without a prescription (prescribed to the employee by a licensed medical professional) at any time while on company time, premises, or official business. This information is included in this program plan for TDPs and all personnel holding clearances or in process of obtaining clearances, as well as in various Human Resources (HR) program documents (i.e., DUF6-U-HRP-0001, *Human Resources Policy Manual*, DUF6-POL-062, *Code of Business Ethics and Conduct*) for all other personnel.

3 PROGRAM MANAGEMENT AND SUPPORT

3.1 Program Manager

The Program Manager is the Senior Human Resources and Labor Relations (HR/LR) Manager (see Attachment G). The Program Manager has overall responsibility for the development, implementation, quality assurance, and evaluation of MCSA's Substance Abuse Program Plan as well as overseeing the EAP contractor. The Program Manager will communicate drug/alcohol test results to the Safeguards and Security (S&S) Program Manager. The Program Manager will also make notifications to affected managers or supervisors and others as required. HR will conduct periodic audit/surveillances to ensure compliance with 10 CFR 707, HHS Mandatory Guidelines, and the Bodman Memorandum.

3.2 Environmental, Safety, Health and Quality Program Director

The Environmental, Safety, Health and Quality (ESH&Q) Program Director shall determine which positions (based on job tasks) are categorized as a TDP.

3.3 Human Resources and Labor Relations Manager

The respective site HR/LR Manager will be notified by the Program Manager if an MCSA employee, seconded employee, corporate reach back or subcontractor receives a confirmed positive on a test for illegal drugs, unauthorized controlled substances, or alcohol.

If the confirmed positive test belongs to a bargaining-unit employee, the respective site HR/LR Manager will consult with the Program Manager regarding all relevant Collective Bargaining Agreement (CBA) language that affects the testing process, as well as appropriate discipline.

3.4 Business Services

As required by DOE O 350.1, Chg. 7 and 10 CFR 707.1-3, 707.5 and 707.7, the Supply Chain Manager shall ensure that subcontractor companies comply with the MCSA Substance Abuse Program Plan. Subcontract companies that must comply are those whose subcontracts on the OSMS Project contain a value of \$25,000 or more that have been determined by DOE to involve:

- Access to or handling of classified information or special nuclear material
- Transportation of hazardous materials to or from a DOE site
- High risk of danger to life, the environment, public health and safety, or national security

The Supply Chain Manager will notify subcontractor companies when an individual within their company (who works on the Project) has been placed in a TDP subject to "random" testing. The Supply Chain Manager will also ensure that 10 CFR 707.5 requirements are flowed down to subcontractor's/partner companies in the general terms and conditions sections of contracts issued by MCSA and are flowed down in MCSA's RFPs and SOWs.

3.5 Site Safeguards and Security Program Manager

The S&S Program Manager will determine whether DOE security officials must be notified of a confirmed positive test for illegal drugs, unauthorized controlled substances, or alcohol, and has the responsibility of notifying DOE in those specific circumstances.

3.6 Site Environmental, Safety and Health Manager

The respective site Environmental, Safety and Health (ES&H) Manager will select occupational medicine providers (OMPs) to serve as sample collection facilities. Selected service providers shall use laboratories certified by the Department of Health and Human Services (HHS) and shall follow HHS and Department of Transportation (DOT) protocols for testing and sample analyses. If there is a conflict between protocols, the most restrictive protocols will be used.

The ES&H Manager will ensure OMPs are:

- Providing detailed sample-collection procedures to MCSA for review and approval.
- Notifying the Program Manager of all confirmed positive results.
- Retaining records relating to all testing for a minimum of 5 years after testing (unless MCSA requests a longer period).
- Retaining a frozen sample of all positive urine specimens for a minimum of 6 months (unless MCSA requests a longer period).
- Performing testing using collection protocols and obtaining all necessary information consistent with HHS Guidelines and 10 CFR 707.12, .13, and .16.

3.7 Managers and Supervisors

Managers and supervisors are responsible for:

- Initiating the appropriate disciplinary action or offering mandatory referral to the EAP for any employee who is arrested or convicted of a drug-related offense or who has a confirmed positive test. Such action shall take place within 30 days after notification of the conviction or confirmed positive test.
- Notifying employees selected for drug testing.
- Observing the conduct of employees under their supervision and reporting any suspicious behavior.

3.8 MCSA Employees, Seconded Employees, Corporate Reach Back and Subcontractors

All MCSA employees, seconded employees, corporate reach back and subcontractors will:

- Comply with the MCSA Substance Abuse Program Plan
- Report any suspicious behavior or substances to their managers or supervisors
- Notify the MCSA Program Manager in writing upon a conviction under a criminal drug statute for violation occurring on the DOE owned or controlled site no later than 10 calendar days after such conviction in accordance with 10 CFR 707.5(a)(3)(ii)

3.9 Sample Collection Facility

Samples will be collected at a certified sample collection facility (which may be a location on site). The sample collection facility personnel are responsible for:

- Ensuring that sample collection, chain of custody, testing, recording, and reporting procedures meet requirements of all applicable local, state, and federal laws as well as any applicable CBA language
- Ensuring that equipment used in drug and alcohol tests is approved, based on contract requirements, and local, state and federal laws.

4 PROGRAM ELEMENTS

MCSA's overall Substance Abuse Program Plan comprises the following elements:

- Compliance requirements (e.g., policy statement, drug- and alcohol-awareness training for employees and specialized training for managers and supervisors)
- Testing designated positions
- "L" clearance and "Q" clearance holders and in-process clearances
- Drug and alcohol testing
- Consequences for violations
- Notifications
- Employee Assistance Program (EAP)

The sections within this program plan provide additional information about each program element.

5 COMPLIANCE REQUIREMENTS

5.1 MCSA Policy Statement

In accordance with 10 CFR 707.5(a)(3), it is MCSA's policy to prohibit the possession, sale, distribution, or manufacture of illegal drugs at the DOE owned or controlled sites located in Paducah, Portsmouth and Lexington under DOE Contract 89303325DEM000122, OSMS Project. As a condition of employment under MCSA's contract with DOE and as directed by 10 CFR 707.5(a)(3), employees will:

- Abide by the terms of MCSA's policy statement.
- Notify the Program Manager (in writing) of a conviction under a criminal drug statute for a violation occurring on a DOE owned or controlled site no later than 10 calendar days after such conviction.

5.2 Program Training

The MCSA substance abuse program plan applies to all MCSA employees, seconded employees, corporate reach back and subcontractors, and compliance is a condition of employment (as identified in this program plan for TDPs, clearance holders and those in process of obtaining clearances, and in the *MCSA HR Policy Manual* for all employees). All candidates (before being placed on the payroll) and employees will be required to acknowledge that they have read this *Substance Abuse Program Plan* and the *HR Policy Manual* by signing and returning the following forms (see Attachments A-D), as applicable:

- DUF6-PLN-061-F01, *Pre-Employment Drug Testing Consent and Agreement Concerning Drugs and Alcohol (Attachment A)*
- DUF6-PLN-061-F02, *Employee Consent for Drug and Alcohol Testing (Attachment B)*
- DUF6-PLN-061-F03, *Employee Agreement for Testing Designated Positions (Attachment C)*
- DUF6-PLN-061-F04, *Clearance Holders and In Process Clearance Consent (Attachment D)*

The HR department will maintain the executed consent agreements in a controlled manner to ensure that any subsequent testing can be conducted as needed.

5.3 Employee Education

The MCSA Substance Abuse Program Plan includes an ongoing educational effort to prevent and eliminate drug abuse that may affect the workplace. The program plan will inform all employees about:

- MCSA's drug- and alcohol-free workplace plan
- EAP services provided by an external provider, Cigna Behavioral Health, Inc.

The training department will conduct training and education sessions that will include prevention assessment measures for the MCSA workforce. Training will cover, but is not limited to, topics such as:

- The pitfalls of illegal drug use
- The availability of assistance through the EAP and referrals to other sources
- The penalties that may be imposed for drug- and alcohol-related violations
- "Training will be provided at least once every 2 years; all training will be documented in the approved training database."

5.4 Managerial and Supervisory Training

Managers and supervisors are the key to successful implementation of this program plan. MCSA managers and supervisors will receive supervisory training to help them identify and address illegal drug use by employees.

MCSA will train managers and supervisors on:

- Identification, constructive confrontation, documentation of job performance, and on-the-job behavior that may reflect the impact of personal problems
- Identification of on-the-job use of or possible impairment by drugs and/or alcohol
- Procedures for "pre-employment," "for cause," "random" and "return to duty" drug testing
- Services available to employees through the EAP

6 TESTING DESIGNATED POSITIONS

The Workplace Substance Abuse Program will provide for random testing for evidence of illegal drug use by employees in TDPs identified in this section. The TDPs subject to random drug testing are as follows:

- (a) Positions identified by MCSA that entail duties where failure of an employee to execute his or her position adequately could significantly harm the environment, public health or safety, or national security. Random drug testing shall be performed for this group of personnel at a rate equal to 100 percent of the total number of employees identified and they may be subject to additional drug tests as described in this policy.
- (b) Other positions determined by DOE which have the potential to significantly affect the environment, public health and safety, or national security, including all positions that require a security clearance ("Q" or "L") and all employees currently holding a security clearance. Random drug testing for this group of personnel shall be performed at a rate equal to 30 percent of the total number of employees in TDPs for each 12-month period.

7 "L" CLEARANCE AND "Q" CLEARANCE HOLDERS AND IN PROCESS CLEARANCES

The drug testing provisions of this program plan apply to MCSA employees, seconded employees, corporate reach back personnel and subcontractors who are "L" clearance or "Q" clearance holders and employees in process of obtaining clearances pursuant to 10 CFR 707 and the Bodman Memorandum who are performing work at the Paducah, Portsmouth and Lexington sites.

8 DRUG AND ALCOHOL TESTING

8.1 Types Of Tests

To effectively meet the objectives of this program plan, MCSA recognizes the need to establish drug- and alcohol-testing methods. The testing methods included in this program presently consist of:

- "Pre-employment" testing
- "For cause" testing
- "Random" testing
- "Return to duty" testing

Testing is a condition of initial or continued employment. Prior to testing, candidates and employees must sign DUF6-PLN-061-F01, *Pre-Employment Drug Testing and Agreement Concerning Drugs and Alcohol* form consenting to drug and alcohol testing and permitting test results to be released to MCSA and the respective site's external medical review officer (MRO) (See Attachment G for the contact information of each site's MRO).

Candidates who refuse pre-employment testing will be dropped from consideration for current and future jobs. If an employee fails a test or refuses to submit a sample for a test, disciplinary actions, up to and including termination, can be imposed even for a first offense. Additionally, if

an employee fails a test while under a treatment program or as part of their return to duty testing, the employee may be terminated.

An employee who refuses to provide a sample will be treated in all respects as if he/ she had been tested and the result was positive. Disciplinary actions will be consistent with a positive test as detailed in this program plan, and the employee will be immediately suspended (without pay) while the matter is being resolved.

If a test is positive, a retest of the same sample may be requested in accordance with Section 8.2.8.

The results of drug and alcohol tests will remain confidential and used only to determine whether a candidate may be employed by MCSA, or whether an employee has violated MCSA's substance abuse program plan requirements.

8.1.1 "Pre-Employment" Testing

Pre-employment screening practices, including drug and alcohol tests, will be used to prevent the hiring of individuals who use illegal drugs, abuse alcohol or who use controlled substances without proper authorization. Pre-employment testing will be conducted on all prospective employees in accordance with 10 CFR 707.8. Candidates will not be placed on the MCSA payroll until they have passed a drug test. Candidates who fail to submit to or fail to pass a pre-employment drug test will not be hired.

Pre-employment screening also applies to any employee being considered for a transfer to a TDP. Job postings for vacancies in TDPs will include the notation, "Substance Abuse Program Plan position and subject to random drug/alcohol testing." The HR department or the hiring manager will advise TDP candidates during the interview process that any employment offer will be contingent upon passing a drug/alcohol test, and that the candidate will be subject to random testing. Employees assigned to TDPs will be required to sign DUF6-PLN-061-F03, *Employee Agreement for Testing Designated Positions*.

Candidates will be notified when they should report for a drug/alcohol test.

8.1.2 "For Cause" Testing

"For cause" drug/alcohol testing applies to all employees, seconded employees, corporate reach back and subcontractors regardless of job grade, level, category, or type of assignment and is a result of a "reasonable suspicion," "occurrence" or "follow-up."

8.1.2.1 Reasonable Suspicion

Whenever a "reasonable suspicion" exists that: (1) an employee's performance or on-the-job behavior may be affected in any way by alcohol or illegal drug use; or (2) an employee has otherwise violated MCSA's Substance Abuse Program Plan, MCSA may require the employee to submit to a drug and/or alcohol test.

"Reasonable suspicion" must be based on objective facts. Suspicion sufficient to justify drug/alcohol testing generally will be based on one or more of the following circumstances as set forth in 10 CFR 707.10:

- Direct observation by a manager or supervisor of drug or alcohol use
- Direct observation by a manager or supervisor of the possession of alcohol, drugs, or drug paraphernalia
- Direct observation by a manager or supervisor of symptoms of drug or alcohol use or impairment, which cannot otherwise be explained. Examples include slurred or incoherent speech; an unsteady walk; impaired coordination; uncontrolled laughing; signs of extreme anxiety or wide and sudden mood changes; or signs of withdrawal or tremors
- Conviction for violation of any criminal drug statute

Employees must report suspected drug or alcohol use by their coworkers to their supervisor immediately. Supervisor/Manager then must observe employee to determine if reasonable suspicion is justified. A manager or supervisor who can specifically explain the basis for having “reasonable suspicion” must observe the employee’s conduct or appearance personally and complete DUF6-PLN-061-F05, *Reasonable Suspicion Checklist* (Attachment E). Any manager or supervisor with the ability to authorize “for cause” testing will receive sufficient training to determine when an employee is under the influence of drugs or alcohol.

Whenever a manager or supervisor directly observes any of the above-referenced circumstances, the manager or supervisor will immediately notify the following personnel that a “reasonable suspicion” circumstance exists:

- A site senior manager
- The site HR/LR Manager and/or Program Manager
- The S&S Program Manager

After notification has been made, the S&S Program Manager will initiate an investigation. With the HR/LR Manager and manager or supervisor present, the S&S Program Manager will interview the employee. The S&S Program Manager will provide the employee with the facts and circumstances of the investigation; ask the employee for an explanation; and question the employee about the activity, performance, or behavior observed.

Depending on the outcome of the investigation, the S&S Program Manager, HR/LR Manager, and site senior manager will decide whether to require drug or alcohol testing of the employee. If drug or alcohol testing is deemed necessary, the site HR/LR Manager, manager or supervisor and/or Case Management Associate will transport the (consenting) employee to the certified sample collection facility (which may be on site). The (consenting) employee will be transported to the sample collection facility by the manager or supervisor if a “reasonable suspicion” occurs during an off shift. After the urine or breath specimen has been collected, the manager or supervisor should ensure that the employee has safe transportation home and will inform the employee that he or she:

- Is on “leave with pay” until further notice
- Must remain available to report to work
- May be on MCSA premises only with site HR/LR Manager approval

The manager or supervisor will prepare a detailed written memorandum describing the incident which gave cause to a "reasonable suspicion" and related interactions. If the test is positive, it is treated as an "incident of security concern."

8.1.2.2 Occurrence

Employees are also subject to "for cause" testing in event of a significant work-related accident or occurrence. DOE orders, rules, and regulations determine which occurrences must be reported to DOE. If the occurrence requires immediate notification or reporting, testing of the employee must be ordered as soon as possible, but no later than 24 hours after an occurrence unless DOE provides written exemption as detailed in 10 CFR 707.9. The Program Manager will make the final determination regarding whether occurrence testing is required. Employees subject to occurrence testing will be transported to a certified collection facility (which may be a location on site) by the site HR/LR Manager, manager or supervisor and/or Case Management Associate/Designee. The employee will be transported to the certified collection facility by the manager or supervisor if the "occurrence" occurs during an off shift.

Employees who refuse to submit to or fail to pass a "for cause" drug or alcohol test will be subject to disciplinary action, up to and including immediate termination without notice—even for a first offense. An employee who refuses to submit or fails a "for cause" test will be immediately suspended (without pay) until the matter is resolved by HR and MCSA management. The S&S Program Manager will be notified of all refusals/fails and will deny site access to the employee for the period defined by HR.

8.1.2.3 Follow-Up

Employees who have returned to duty after having tested positive for illegal drugs and successfully completing a rehabilitation program are subject to unannounced drug testing, at intervals, for a period of 12 months as set forth in 10 CFR 707.14(g).

8.1.3 Random Testing

Each person assigned to a TDP, and those that are "L" clearance or "Q" clearance holders, or employees in process of obtaining clearances are subject to periodic random drug/alcohol testing.

TDP employees will be required to sign MCSA Form DUF6-PLN-061-F03, *Employee Agreement for Testing Designated Positions* (Attachment C) at the time of hire or when the employee's position is categorized as a TDP before the first random testing is conducted.

"L" clearance or "Q" clearance holders, or employees in process of obtaining clearances will be required to sign DUF6-PLN-061-F04, *Clearance Holders and In Process Clearance Consent* (Attachment D) at the time when the employee has initiated the process to obtain a clearance or has been granted a clearance before the first random testing is conducted.

MCSA will undertake reasonable efforts to notify its employees prior to amending the testing program; however, MCSA may change its procedures for drug and alcohol testing without prior notification.

Note:	The process for represented employees is outlined in their respective ratified CBAs. Changes to any drug and alcohol testing procedures that affect negotiated CBA language will not be effective for represented employees until such time as the union and the contractor negotiate changes or, if they fail to reach an agreement within one year after commencement of negotiations, an impasse will be declared to have been reached, and the contractor will then unilaterally implement the requirements
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The OMP will use an access-controlled computer system to protect controlled unclassified information (CUI) and to randomly select persons' subject to periodic random drug/alcohol testing. Thirty percent of the total number of persons identified as subject to periodic random drug/alcohol testing will be randomly tested annually.

The Program Manager or the HHS-certified collection facility (OMP) will maintain access-controlled electronic records in a format readily available for audit by MCSA, DOE, or any other organization with audit authority containing the following information:

- An up-to-date database list of MCSA employees subject to random testing
- An up-to-date list of the site phone number or manager's/supervisor's name and phone number for each employee subject to random testing
- All random selections, including frequencies for employees tested in a calendar year
- Employee responses to company requests to report for random testing, including information indicating whether the employee was out-of-town on MCSA official business; in offsite training; out due to illness, personal time off, or scheduled day off; or on site but out of contact (along with the reason he/she could not be contacted)
- List of employees who report for testing, including the date and time the employee reported and was tested (testing should be conducted within 2 hours of employee notification)

If the randomly selected employee fails to report within the 2-hour period or refuses to submit to the drug screen, HR will notify the S&S Program Manager. Failure to report to the designated testing facility or refusal to submit to the drug screen may result in disciplinary action up to and including termination based on the factors disclosed during the investigation.

When an employee is selected for random testing, an HR representative promptly will inform the employee's manager or supervisor. The HR representative or manager/supervisor will ensure that the employee promptly reports to the certified collection facility for testing. (If the employee is not on site or is involved in a time-sensitive operation, then the manager or supervisor will wait to notify the employee until the employee is available.)

The employee must present a photo ID prior to sample collection; the photo badge used for DOE Site access may not be used for identification.

Every effort will be made to contact the selected employee either in person or by telephone (notifications will not be made by voicemail or email); however, if the selected employee is not available, his/her name will go back into the random testing pool for future selection and the HR representative will select the first name from the alternate list provided by the occupational medical provider.

8.1.4 Return to Duty Testing

In accordance with 10 CFR 707.14(2)(c), employees returning to work following a positive test result for illegal drugs and the successful completion of counseling or a program of rehabilitation will be required to undergo a "return to duty" drug and/or alcohol screening test. In addition, a "fitness for duty statement" must be obtained from the external OMP (see Attachment G) stating that the employee is capable of safely returning to work pursuant to 10 CFR 707.14(g).

8.2 Specimen Collection and Analysis Procedures

MCSA's program follows the HHS Mandatory Guidelines and 10 CFR 707 for its testing program which are incorporated herein.

Note:	The process for represented employees is outlined in their respective ratified CBAs. Changes to any drug and alcohol testing procedures that affect negotiated CBA language will not be effective for represented employees until such time as the union and the contractor negotiate changes or, if they fail to reach an agreement within one year after commencement of negotiations, an impasse will be declared to have been reached, and the contractor will then unilaterally implement the requirements.
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8.2.1 Specimen Collection Procedures

8.2.1.1 Designated Collection Sites

MCSA's drug testing program shall have one or more designated collection sites which in accordance with HHS Mandatory Guidelines shall have all necessary personnel, materials, equipment, facilities, and supervision to provide for the collection, security, temporary storage, and shipping or transportation of urine specimens to an HHS-certified testing laboratory. MCSA's external OMP provides designated collection sites utilizing HHS guidelines and DOT Regulations. The designated collection sites are:

- Paducah – HealthWorks. Testing for the Paducah site may either occur on site in a secure location by authorized personnel of its external OMP, HealthWorks, or at HealthWorks' office (see Attachment G).
- Portsmouth – Adena. Testing for the Portsmouth site may either occur on site in a secure location by authorized personnel of its external OMP, Adena Medical Center, or at Adena Medical Center's office (see Attachment G).
- Lexington – Concentra. Testing for the Lexington Office may either occur on site in a secure location by authorized personnel of its external OMP, Concentra, or at Concentra office (see Attachment G).

8.2.1.2 Security Procedures

Each site's external OMP ensures the collection site is secure. If a collection site facility is dedicated solely to urine collection, it shall always be secure. If a collection site facility cannot be dedicated solely to drug testing, the portion of the facility used for testing shall be secured during drug testing.

8.2.1.3 Chain of Custody

Chain of custody standardized forms shall be properly executed by authorized external OMP collection site personnel upon receipt of specimens. Handling and transportation of urine specimens from one authorized individual or place to another shall always be accomplished through chain of custody procedures. Every effort shall be made to minimize the number of persons handling specimens.

8.2.1.4 Access to Authorized Personnel Only

No unauthorized personnel shall be permitted in any part of the designated collection site when urine specimens are collected or stored.

8.2.1.5 Privacy

Procedures for collecting urine specimens shall allow individual privacy unless there is a reason to believe that a particular individual may alter or substitute the specimen to be provided.

8.2.1.6 Integrity and Identity of Specimen

External OMP collection site personnel shall take precautions to ensure that a urine specimen not be adulterated or diluted during the collection procedure and that information on the urine bottle and in the record book can identify the individual from whom the specimen was collected. The following minimum precautions shall be taken to ensure that unadulterated specimens are obtained and correctly identified:

- To deter the dilution of specimens at the collection site, toilet bluing agents shall be placed in toilet tanks wherever possible, so the reservoir of water in the toilet bowl always remains blue. There shall be no other source of water (e.g., no shower or sink) in the enclosure where urination occurs.
- When an individual arrives at the collection site, the external OMP collection site person shall request the individual present photo identification. If the individual cannot provide photo identification, the external OMP collection site person shall contact the supervisor of the individual, the coordinator of the drug testing program, or any other MCSA official who can positively identify the individual. If the individual's identity cannot be established, the external OMP collection site person shall not proceed with the collection.
- If the individual fails to arrive at the assigned time, the external OMP collection site person shall contact the appropriate authority to obtain guidance on the action to be taken.
- The external OMP collection site person shall ask the individual to remove any unnecessary outer garments such as a coat or jacket that might conceal items or substances that could be used to tamper with or adulterate the individual's urine specimen. The external OMP collection site person shall ensure that all personal belongings such as a purse or briefcase remain with the outer garments. The individual may retain his or her wallet.
- The individual shall be instructed to wash and dry his or her hands prior to urination.
- After washing hands, the individual shall remain in the presence of the external OMP collection site person and shall not have access to any water fountain, faucet, soap dispenser, cleaning agent; or

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- The individual may provide his/her specimen in the privacy of a stall or otherwise partitioned area that allows for individual privacy.
 - The external OMP collection site person shall note any unusual behavior or appearance in the permanent record book.
 - In the exceptional event that an external OMP-designated collection site is not accessible and there is an immediate requirement for specimen collection (e.g., an accident investigation), a public restroom may be used according to the following procedures:
 - An external OMP collection site person of the same gender as the individual shall accompany the individual into the public rest room which shall be made secure during the collection procedure.
 - If possible, a toilet bluing agent shall be placed in the bowl and any accessible toilet tank.
 - The external OMP collection site person shall remain in the restroom, but outside the stall, until the specimen is collected.
 - If no bluing agent is available to deter specimen dilution, the external OMP collection site person shall instruct the individual not to flush the toilet until the specimen is delivered to the external OMP collection site person.
 - After the external OMP collection site person has possession of the specimen, the individual will be instructed to flush the toilet and to participate with the external OMP collection site person in completing the chain of custody procedures.
 - Upon receiving the specimen from the individual, the external OMP collection site person shall determine that it contains at least 60 milliliters of urine. If there is less than 60 milliliters of urine in the container, additional urine shall be collected in a separate container to reach a total of 60 milliliters. (The temperature of the partial specimen in each separate container shall be measured in accordance with paragraph 12 of this section, and the partial specimens shall be combined in one container.) The individual may be given a reasonable amount of liquid to drink for this purpose (e.g., a glass of water). If the individual fails for any reason to provide 60 milliliters of urine, the external OMP collection site person shall contact the appropriate authority (i.e., Program Manager) to obtain guidance on the action to be taken.
 - After the specimen has been provided and submitted to the external OMP collection site person, the individual shall be allowed to wash his or her hands.
 - Immediately after the specimen is collected, the external OMP collection site person shall measure the temperature of the specimen. The temperature device used must accurately reflect the temperature of the specimen and not contaminate the specimen. The time from urination to temperature measurement is critical and in no case shall exceed four (4) minutes.
 - If the temperature of a specimen is outside the range of 32.5° - 37.7° C / 90.5° - 99.8° F, that is a reason to believe that the individual may have altered or substituted the specimen, and another specimen shall be collected under direct observation of a same gender external OMP collection site person and both specimens shall be forwarded to the laboratory for testing. An individual may volunteer to have his or her oral temperature taken to provide evidence to counter the reason to believe the individual may have altered or substituted the specimen caused by the specimen's falling outside the prescribed range.

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- Immediately after the specimen is collected, the external OMP collection site person shall also inspect the specimen to determine its color and look for any signs of contaminants. Any unusual findings shall be noted in the permanent record book.
 - All specimens suspected of being adulterated shall be forwarded to the laboratory for testing.
 - Whenever there is reason to believe that a particular individual may alter or substitute the specimen, the specimen shall be obtained as soon as possible under the direct observation of a same gender external OMP collection site person.
 - Both the individual being tested and the external OMP collection site person shall always keep the specimen in view prior to its being sealed and labeled. If the specimen is transferred to a second bottle, the external OMP collection site person shall request the individual to observe the transfer of the specimen and the placement of the tamperproof seal over the bottle cap and down the sides of the bottle.
 - The external OMP collection site person and the individual shall be present at the same time during procedures outlined in paragraphs 19 - 22 of this section.
 - The external OMP collection site person shall place securely on the bottle an identification label which contains the date, the individual's specimen number, and any other identifying information provided or required by the external OMP.
 - The individual shall initial the identification label on the specimen bottle for the purpose of certifying that it is the specimen collected from him or her.
 - The external OMP collection site person shall enter in the permanent record book all information identifying the specimen and the external OMP collection site person shall sign the permanent record book next to the identifying information.
 - The individual shall be asked to read and sign a statement in the permanent record book certifying that the specimen identified as having been collected from him or her is in fact that specimen he or she provided.
 - Higher level of supervision shall review and concur in advance with any decision by an external OMP collection site person to obtain a specimen under the direct observation of a same gender external OMP collection site person based on a reason to believe that the individual may alter or substitute the specimen to be provided.
 - The external OMP collection site person shall complete the chain of custody form.
 - The urine specimen and the chain of custody form are now ready for shipment. If the specimen is not immediately prepared for shipment, it shall be appropriately safeguarded during temporary storage.
 - While any part of the above chain of custody procedures is being performed, it is essential that the urine specimen and custody documents be under the control of the involved external OMP collection site person. If the involved external OMP collection site person leaves his or her workstation momentarily, the specimen and custody form shall be taken with him or her or shall be secured. After the external OMP collection site person returns to the workstation, the custody process will continue. If the external OMP collection site person is leaving for an extended period, the specimen shall be packaged for mailing before he or she leaves the site.

8.2.1.7 Collection Control

To the maximum extent possible, external OMP collection site personnel shall keep the individual's specimen bottle within sight both before and after the individual has urinated. After the specimen is collected, it shall be properly sealed and labeled. An approved chain of custody form shall be used for maintaining control and accountability of each specimen from the point of collection to final disposition of the specimen. The date and purpose shall be documented on the approved chain of custody form each time a specimen is handled or transferred and every individual in the chain shall be made to minimize the number of persons handling specimens.

8.2.1.8 Transportation to HHS-Certified Testing Laboratory

The external OMP collection site personnel shall arrange to ship the collected specimens to an HHS-certified testing laboratory. The specimens shall be placed in containers designed to minimize the possibility of damage during shipment (e.g., specimen boxes or padded mailers) and those containers shall be securely sealed to eliminate the possibility of undetected tampering. On the tape sealing the container, the external OMP collection site supervisor shall sign and enter the date specimens were sealed in the containers for shipment. The external OMP collection site personnel shall ensure that the chain of custody documentation is attached to each container sealed for shipment to the HHS-certified testing laboratory.

8.2.2 Testing Methodology

Note: The process for represented employees is outlined in their respective ratified CBAs. Changes to any drug and alcohol testing procedures that affect negotiated CBA language will not be effective for represented employees until such time as the union and the contractor negotiate changes or, if they fail to reach an agreement within one year after commencement of negotiations, an impasse will be declared to have been reached, and the contractor will then unilaterally implement the requirements.

Urinalysis will be employed to determine the presence of controlled substances which may be present in the employee's system, and a breath analyzer will be used to determine the presence of alcohol. MCSA may require a blood test to verify that the employee is fit for duty and free from drugs, and alcohol.

Prior to any drug and/or alcohol testing, employees shall be given the opportunity to list all medically prescribed prescription drugs, dietary conditions, and over-the-counter medications taken in the past 30 days. Employees will be given the opportunity to explain the circumstances surrounding the use of such drugs. The OMP shall assist in determining the potential effects that the listed medication(s) may have on the drug test results.

8.2.3 Authorized Testing

Urine specimens collected pursuant to this program plan will be used only to test for controlled substances and may not be used to conduct any other analysis or test unless otherwise authorized by law.

Effective July 7, 2025, the authorized drug testing panels for both urine and oral fluid will include fentanyl and non-fentanyl prohibited substances.

Enzyme multiplied immunoassay technique (EMIT) will be used to conduct the screening test. A separate assay is performed for each drug class or category. EMIT tests only for the presence of drug metabolites, not drug concentrations or time of ingestion. The 11-panel list of drugs included in the testing is as follows:

- Marijuana
- Cocaine
- Norfentanyl t
- Opiates
- Amphetamines
- Phencyclidine (PCP)
- Barbiturates
- Benzodiazepines
- Propoxyphene
- Methadone
- Oxycodone
- Fentanyl

A positive test result on an initial screening test will be confirmed by the generally accepted non-immunological method, gas chromatography/mass spectrometry (GC/MS), which can accurately identify the specific substance.

MCSA will use the initial test and confirmatory test cutoff levels established by the HHS for federal workplace drug testing programs. A positive test result for alcohol will be based on the statutorily defined legal limit of .08. The same .08 rating will be used to determine impairment.

Should the external MRO (see Attachment G) retained by MCSA have reason to question the accuracy or validity of a confirmed positive test result, the external MRO is authorized to order a reanalysis of the original sample at the same HHS-certified testing laboratory or at another HHS-certified testing laboratory.

8.2.4 HHS-Certified Testing Laboratory and Analysis

The services of an external HHS-certified testing laboratory (see Attachment G) will be retained by MCSA's external OMP to analyze urine samples in accordance with proper chain-of-custody, quality assurance, and quality control procedures that ensure the integrity and confidentiality of test results in accordance with HHS Guidelines and DOT Regulations. The HHS-certified testing laboratories selected by MCSA's OMPs are:

- Paducah. Quest Diagnostics - Lenexa, KS
- Portsmouth. Clinical Reference Laboratory, Inc. - Lenexa, KS
- Lexington. Clinical Reference Laboratory, Inc. - Lenexa, KS

Pursuant to 10 CFR 701.12(a), MCSA has verified that the testing laboratories listed above selected by MCSA's OMPs are HHS-certified. The Federal Register publishes a monthly list entitled, "Current List of HHS-Certified Laboratories and Instrumented Initial Testing Facilities Which Meet Minimum Standards to Engage in Urine Drug Testing for Federal Agencies" wherein the above testing laboratories selected by MCSA's OMPs are listed as approved HHS-certified testing laboratories.

The HHS-certified testing laboratory will report as negative all specimens that are negative on the initial test or negative on the confirmatory test. Only specimens confirmed positive will be reported as positive for a specific drug.

Positive reports must be in writing and transmitted to the external MRO (see Attachment G) retained by MCSA to review, evaluate, and make final medical determination on all confirmed positive drug tests.

8.2.5 Medical Review

The external MRO (see Attachment G) retained by MCSA will conduct a review before transmitting any positive test results to the MCSA site HR/LR Manager. In the analysis of positive test results, the external MRO will examine alternate medical explanations (the external MRO may conduct a medical interview with the employee and review the employee's medical history and any other relevant biomedical factors including but not limited to medically prescribed prescription drugs, dietary conditions, and over-the-counter medications taken in the past 30 days.)

8.2.6 Privacy

The employee will be afforded privacy while giving a specimen. Collection facility personnel will provide for adequate privacy unless the collector has reason to believe a particular employee may alter or substitute the specimen to be provided. Results will be disseminated only to those with a "need to know."

8.2.7 Confidentiality

Given the serious potential consequences for any employee involved in a violation of this program plan, MCSA shall maintain maximum confidentiality of records to the extent required by applicable statutes and regulations (including, but not limited to, 42 USC 290dd-3, 42 USC 290ee, and 42 CFR part 2) and by PPPO-SEC-PLN-3, *Safeguards and Security Controlled Unclassified Information Program Plan*.

The external MRO (see Attachment G) retained by MCSA will notify only the respective site HR/LR Manager if the candidate or employee received a confirmed positive for illegal drugs, unauthorized controlled substance, or alcohol. The Program Manager will then determine which positive drug and alcohol test results will be provided to the S&S Program Manager.

All discussions regarding a confirmed positive test will be held in private. Documents should be clearly marked with Controlled Unclassified Information stamp (CUI). Transmittal of these documents should be in compliance with PPPO-SEC-PLN-3, *Safeguards and Security Controlled Unclassified Information Program Plan*.

The site HR/LR Manager and the external MRO (see Attachment G) retained by MCSA will maintain the confidentiality of all documentation related to MCSA's Substance Abuse Program

Plan. All test results, specimen custody and control forms, and other information completed in connection with drug/alcohol testing will be managed by the site HR/LR manager, who will ensure that such information is segregated from general personnel files and secured (e.g., in locked files with controlled access).

Access to records by any person or entity involved in the program plan will be granted in accordance with established guidelines detailed in 10 CFR 707. If such records are sought from MCSA for criminal investigations or to resolve a question, applicable statutes and regulations for such disclosure shall be followed.

All personnel having a "need to know" about a potential or actual violation will be instructed to handle related information and documents as "strictly confidential." Personnel having a "need to know" are defined as those whose ability to carry out their responsibilities is directly impacted by such knowledge. Personnel having a "need to know" include the Program Manager, site HR/LR Manager, S&S Program Manager and responsible manager or supervisor; the Program Manager will identify other personnel, if any, on a case-by-case basis.

Any employee who violates the confidentiality code will be subject to company discipline (up to and including termination of employment).

When an employee has been terminated in whole or in part because of violations of this program plan, MCSA will respond to the prospective employers' inquiries regarding the basis for dismissal by stating that the dismissal was "for cause" (regarding that portion of the dismissal based on a violation). The specifics of the basis for the dismissal will be disclosed only if required by law or regulation.

8.2.8 Requests for Retests

Retesting is an option for urine tests only; re-testing on a breath analyzer or blood test will not be repeated, since alcohol levels decrease over time. An initial positive breathalyzer result will be confirmed with an immediate blood test. If an employee refuses to undergo a confirming blood test, then the employee's initial breathalyzer test will be considered as "confirmed."

An employee who has been notified of a positive urine test result will be informed (by an HR representative) that he/she may request a retest of the initial sample (minus a portion retained and frozen by the OMP's HHS-certified testing laboratory in case of additional questions). The retest may be conducted at the same or another HHS-certified testing laboratory of the employee's choice; no final determination will be made until the second set of test results is returned. The requesting employee will be responsible for the cost of sample transportation and testing; however, the sample will NOT be released directly to the employee—rather, the sample will be released only to the requested HHS-certified testing laboratory, in accordance with that laboratory's chain-of-custody protocols.

In such a case, the employee must request a retest no later than the workday immediately following their notification of the initial confirmed positive test result. If requested, the employee will be provided the opportunity to discuss the results of his/her first test or retest with the external MRO (see Attachment G) retained by MCSA. Any detectable amount of an illegal drug, or a higher-than-normal level of a controlled substance, is considered confirmation of a positive initial result. If the results of the retest are negative, then the entire testing will be recorded as negative, and the employee will be informed of the results and reimbursed for the test expenditures.

9 CONSEQUENCES FOR VIOLATIONS

Since compliance with this program is a condition of employment, failure or refusal of an employee to cooperate fully, sign any required documents, submit to any inspection or test, or follow any prescribed course of substance abuse treatment will result in disciplinary action, up to and including termination.

Violations will be evaluated on a case-by-case basis. In all cases, the violation will be discussed with the employee before any disciplinary action is taken or associated documentation is generated. An employee with a positive test will be suspended without pay pending a decision regarding appropriate disciplinary action.

An employee who tests positive may be required to perform any or all the following (this list is not intended to be all inclusive):

- Be evaluated by an EAP counselor to determine the appropriate rehabilitation program.
- Cease immediately any substance abuse.
- Successfully complete a substance abuse rehabilitation program.
- Submit to periodic unannounced drug/alcohol testing for 12 months per 10 CFR 707.14(g) following completion of rehabilitation.

Furthermore, employees categorized as TDPs, "L" clearance or "Q" clearance holders, or in process clearance employees who test positive will be denied access to return to his/her current position until successfully passing a return to duty screening and completion of other measures deemed appropriate as mutually agreed to by MCSA and the responsible DOE security official. Such employees may be re-assigned to a non-TDP or position that does not require an "L" or "Q" clearance if a position is available that the employee meets the minimum qualifications.

If an employee's urine tests positive, or if the breath analyzer and blood tests positive, the employee will be subject to disciplinary action (up to and including termination by MCSA or possible criminal prosecution by the government for violations on DOE or other federal property, even for a first offense. If the employee refuses to consent to this drug/alcohol testing, he/she will be subject to disciplinary action (up to and including termination), even for a first refusal. Any presence of alcohol constitutes a positive test.

Before returning to duty from completion of a counseling or rehabilitation program, the employee will be subject to a "return to duty" drug and/or alcohol screening test as well as periodic unannounced screenings for 12 months per 10 CFR 707.14(g). In addition, a "fitness for duty statement" must be obtained from the external OMP (see Attachment G) retained by MCSA stating that the employee is capable of safely returning to duty pursuant to 10 CFR 707.14(g).

Employees who undergo counseling and treatment for substance abuse who continue to work must meet all established MCSA standards of conduct and job performance expectations.

9.1 Termination For Cause

Violations that will result in immediate termination for cause are:

- Clear evidence exists that the employee switched urine, adulterated urine, or otherwise submitted a fraudulent urine sample for the drug/alcohol-testing program.
- A confirmed positive drug or alcohol test result occurs either while an employee is undergoing company-required counseling/treatment or in an unannounced periodic test during the 12-month period following completion of a rehabilitation program.
- The company believes that an employee has sold or manufactured drugs on MCSA premises or while on official MCSA business.

10 NOTIFICATIONS

10.1 Notification of Legally Prescribed Drugs which could Affect an Employee's Fitness For Duty

Legal drugs prescribed to the employee by a licensed medical professional may be taken on MCSA premises as long as the drugs do not adversely affect the employee's ability to perform work safely and securely. Employees shall notify their manager or supervisor if they are taking any medications that could affect their fitness for duty. Employees are not required to reveal the specific medication being taken but are required to have the prescribing medical professional provide for the supervisor/ manager, in writing, any work restrictions recommended to safeguard the health and safety of the employee and his/her co-workers. The requirement to report medications that may affect a person's ability to perform his/her job also applies to over-the-counter medicines (e.g., some cold medicines warn not to operate motorized equipment). These medications also should be reported to the OMP as outlined in DUF6-U-SHP-0501, Occupational Medicine Program.

10.2 Notification of Employee Arrests and Convictions

As a condition of employment under MCSA's contract with DOE and as directed by 10 CFR 707.5(a)(3), employees will:

- Abide by the terms of MCSA's policy statement (see Section 5.1).
- Notify MCSA's Program Manager (in writing) of a conviction under a criminal drug statute for a violation occurring on a DOE owned or controlled site no later than 10 calendar days after such conviction.

After receiving notice from the employee of such arrest or conviction, the Program Manager will consult the employee's supervisor to evaluate the appropriate action to take (the employee may be subject to discipline, including termination, or may be required to satisfactorily participate in an approved substance abuse assistance or rehabilitation program). Decisions regarding appropriate actions must be made within 30 days after the Program Manager was notified of such a conviction pursuant to 10 CFR 707.5(a)(5). The decision to terminate an employee who has been arrested or convicted for drugs or alcohol requires the approval of the President and Project Manager.

10.3 Notification of Discovery of Illegal Substances

Whenever a "suspected" controlled substance is found on company premises, it should be reported to the S&S Program Manager, who will implement procedure PPPO-10006191, *Incidents of Security Concern Program Plan*.

10.4 Notification of DOE Officials

In accordance with 10 CFR 707.5(a)(4), the Program Manager will provide notification to the DOE contracting officer within 10 calendar days after receiving written notification from an employee of a conviction under a criminal drug statute for a violation occurring on a DOE owned or controlled site or otherwise receiving actual notice of an employee's conviction of a drug-related offense.

If MCSA becomes aware that the employee holds an active DOE access authorization through another entity, the Program Manager or the site HR/LR Manager will immediately inform, in confidence, the S&S Program Manager. The S&S Program Manager will immediately file the necessary reports to the appropriate government agencies as required by U.S. government directive.

When there is a positive test, refusal of an employee to submit a test (either as part of a "for cause" or as part of a "random" testing program), and when personnel covered by this program plan are arrested/convicted of drug related offenses. These notifications will be in accordance with DOE Rules/Regulations as discussed in the applicable section of this program plan. Immediate notification to DOE security officials whenever the circumstances in connection with procedures under this part raise a security concern as provided in DOE order, rules, and regulations; such circumstances including, but are not necessarily limited to, a determination that an employee holding a DOE access authorization has used an illegal drug.

11 EMPLOYEE ASSISTANCE PROGRAM

Early recognition and treatment of drug or alcohol abuse is important for successful rehabilitation. To help employees obtain early voluntary treatment and in accordance with the requirements of DOE O 350.1, Chg. 7 and 10 CFR 707.6, MCSA has established an EAP through the services of an external provider, Cigna Behavioral Health, Inc. (see Attachment G). The EAP is available to all MCSA on-site employees involved in the DOE contract for the OSMS Project. Employees may contact the EAP by telephone or on-line 24 hours a day, 7 days a week. The EAP brochure and summary of services can be found on the Intranet under the HR tab and are attached to this program plan as Attachment F.

The EAP emphasizes preventative services, education, short-term counseling, coordination and referral to outside agencies, and follow-up. EAP services available to employees include counseling, referral, and educational services concerning illegal drug use and other medical, mental, emotional, or personal problems of employees, particularly those which adversely affect behavior and job performance.

If an employee has a drug or alcohol problem and voluntarily seeks help from a certified rehabilitation program or the EAP, the employee will be encouraged to do so. Referral services will be provided through the EAP. The EAP is staffed with counselors who can assist employees with drug and/or alcohol abuse problems and can provide prevention tips.

Services offered through the EAP at no cost to the employee include:

- **Counseling** – Six (6) face-to-face counseling sessions with a counselor in your area
- **Legal assistance** – 30-minute consultation with an attorney face-to-face or by phone
- **Financial** – 30-minute telephone consultation with a qualified specialist on topics such as debt counseling or planning for retirement

- **Parenting** – Resources and referrals for childcare providers, before and after school programs, camps, adoption organizations, child development, prenatal care and more
- **Eldercare** – Resources and referrals for home health agencies, assisting living facilities, social and recreational programs and long-distance caregiving
- **Pet care** – Resources and referrals for pet sitting, obedience training, veterinarians and pet stores
- **Identity theft** – 60-minute consultation with a fraud resolution specialist

MCSA's medical plan may cover a portion of the cost of any additional services. MCSA has no obligation to pay for any counseling, treatment, or rehabilitation beyond those services provided by the EAP except as provided under the MCSA benefits program. DOE undertakes no obligation to pay for any individual's counseling, rehabilitation, or treatment, unless specifically provided for by the contract.

The decision to seek diagnosis and accept treatment for drug and/or alcohol abuse is primarily the individual employee's responsibility. Employees participating in a treatment program who test positive for drugs and/or alcohol during treatment will be terminated. Furthermore, an employee with an acknowledged substance abuse problem may not be eligible for continuous employment in a TDP or required clearance position. The provisions of this paragraph do not apply, however, to employees whom the company believes have sold or manufactured drugs on DOE owned or controlled sites or while on MCSA official business.

An employee who tests positive for the use of an illegal substance or a controlled substance without proper authorization will be required to enter the EAP for counseling. Further, any employee under the influence of alcohol on company time or premises may be required to enter the EAP. Failure to comply may lead to disciplinary action (up to and including termination), based on the circumstances and the MCSA discipline policy. An employee will be automatically terminated following a second offense within 24 months of the first offense. Entering an EAP treatment program may not preclude other disciplinary action for violations of work rules.

12 ATTACHMENTS

- Attachment A. *Pre-Employment Drug Testing Consent and Agreement Concerning Drugs and Alcohol*
- Attachment B. *Employee Consent for Drug and Alcohol Testing*
- Attachment C. *Employee Agreement for Testing Designated Positions*
- Attachment D. *Clearance Holders and In Process Consent*
- Attachment E. *Reasonable Suspicion Checklist*
- Attachment F. *Employee Assistance Program Brochure & Summary*
- Attachment G. *Program Contact Information*

ATTACHMENT A. PRE-EMPLOYMENT DRUG TESTING CONSENT AND AGREEMENT CONCERNING DRUGS AND ALCOHOL

PRE-EMPLOYMENT DRUG TESTING CONSENT AND AGREEMENT CONCERNING DRUGS AND ALCOHOL

I hereby agree to allow Mid-America Conversion Services, LLC (MCS) to collect urine samples from me for the sole purpose of detecting any illegal drugs and alcohol in my body. Further, I give my consent for MCS to release and use of my urine samples and test results in the administration and enforcement of MCS's Substance Abuse Program Plan, DUF6-PLN-061 and to resolve any dispute that may arise out of MCS's refusal to employ me. I understand that MCS has a strict policy prohibiting employees from using illegal drugs and alcohol.

I understand that if the drug tests of my urine are positive, I will be removed from further consideration for employment. I also understand that I am entitled to refuse to consent to this drug testing (by not providing my signature below), but in doing so I will be removed from consideration for employment (including any future employment).

I understand that the policies of MCS prohibit the use, manufacture, possession, or trafficking of illegal drugs (including but not limited to marijuana, cocaine, opiates, amphetamines, phencyclidine (PCP), barbiturates, benzodiazepines, propoxyphene, methadone, oxycodone, or any other substance listed in the Federal Controlled Substances Act or prohibited by the statutes of this state). I also understand that such MCS policies pertain to the abusive use of controlled substances and alcohol on company premises or during company business.

I agree that if MCS employs me, I will not buy, sell, accept as a gift, experiment with, use, possess, or otherwise involve myself with illegal drugs at any time. I understand that this agreement does not apply to medical drugs taken as lawfully prescribed for me.

I hereby release consent not to file any legal action against, indemnify, and hold harmless MCS and the laboratory testing service, their respective officers, agents, and employees from all damages, expenses, reasonable attorney's fees, and costs of court which they or any of them may suffer or incur, jointly or severally, due to the results of such screen being made so available.

The process for represented employees is outlined in their respective ratified CBAs. Changes to any drug and alcohol testing procedures that affect negotiated CBA language will not be effective for represented employees until such time as the union and the contractor negotiate changes or if they fail to reach an agreement within one year after commencement of negotiations an impasse will be declared to have been reached and the contractor will then unilaterally implement the requirements.

I hereby consent to the administration of a drug-detection urine test and the terms and conditions of this agreement.

Applicant's Printed Name

Applicant's Legal Signature

Date Signed

ATTACHMENT B. EMPLOYEE CONSENT FOR DRUG AND ALCOHOL TESTING

EMPLOYEE CONSENT FOR DRUG AND ALCOHOL TESTING

I understand that Mid-America Conversion Services, LLC (MCS) is required to test its employees for illegal drug and alcohol use. I further understand that MCS has a strict policy prohibiting the illegal use of drugs and the use of alcohol while on company premises or business. I further understand that if designated MCS officials and managers have a reasonable suspicion that I am under the influence of illegal drugs or alcohol while I am performing my job duties, I will be required to submit to a drug test and/or breath analyzer and/or blood test. I further understand that if I am involved in an occurrence or significant work-related accident or injury, I will be required to submit to a drug test and possibly a breath analyzer and/or blood test. I further understand that upon my return to duty following a positive test result for illegal drugs and the successful completion of counseling or a program of rehabilitation, I will be required to undergo a return to duty drug and alcohol test. I also understand that should I test positive for illegal drugs or alcohol and successfully complete a rehabilitation program thereafter, that upon my return to duty, I am subject to follow-up unannounced drug testing, at intervals, for a period of 12 months. I acknowledge that the policies related to drug testing, alcohol testing, and searches are explained in MCS's Substance Abuse Program Plan, DUF6-PLN-061 which I received, read, and understood.

I hereby agree to allow an authorized MCS representative or a designated third party to collect urine samples from me for the sole purpose of detecting illegal drugs (or controlled legal substances taken without proper authorization). I agree to allow an authorized MCS representative or designated third party to perform a breath analyzer and/or blood testing for the purpose of detecting whether I am under the influence of alcohol while performing my job duties. Further, I give my consent for MCS to release and use of my urine samples and test results in the administration and enforcement of MCS's Substance Abuse Program Plan and in any dispute arising out of the company's findings and any subsequent disciplinary actions. I understand that the test results will remain confidential (other than for the purposes identified herein).

I understand that if my urine tests positive, or if the breath analyzer and/or blood tests are positive, I will be subject to disciplinary action (up to and including termination by MCS or possible criminal prosecution by the U.S. government for violations on U.S. Department of Energy (DOE) or other federal property, even for a first offense. I also understand that I am entitled to refuse to consent to this drug/alcohol testing (by not providing my signature below), but in doing so I will be subject to disciplinary action (up to and including termination), even for a first refusal.

The process for represented employees is outlined in their respective ratified CBAs. Changes to any drug and alcohol testing procedures that affect negotiated CBA language will not be effective for represented employees until such time as the union and the contractor negotiate changes or if they fail to reach an agreement within one year after commencement of negotiations an impasse will be declared to have been reached and the contractor will then unilaterally implement the requirements.

I hereby consent to the administration of the drug and alcohol tests described herein and to the terms and conditions of this consent agreement.

Employee's Printed Name

Employee's Legal Signature

Date Signed

ATTACHMENT C. EMPLOYEE AGREEMENT FOR TESTING DESIGNATED POSITIONS

EMPLOYEE AGREEMENT FOR TESTING DESIGNATED POSITIONS

Mid-America Conversion Services, LLC (MCS) is subject to federal regulation 10 CFR 707, *Workplace Substance Abuse Programs*, at U.S. Department of Energy (DOE) sites and has implemented a Substance Abuse Program Plan, DUF6-PLN-061 at its facilities. This program requires any employee working in a position categorized as a "Testing Designated Position" (TDP) must pass a company-administered drug test. When occupying TDPs, employees are subject to ongoing and unannounced random drug testing quarterly each calendar year because the illegal use of drugs or alcohol by employees in these positions could significantly harm the environment, public health and safety, or national security.

Additionally, all MCS employees (including those in TDPs) are subject to testing on the basis of reasonable suspicion or as the result of an occurrence (as defined by regulation).

The MCS Substance Abuse Program Plan also requires that each employee occupying a TDP provide written notice to the Senior Human Resources and Labor Relations Manager if the employee is:

- (1) Arrested on a drug- or alcohol-related charge;
- (2) Convicted of a drug- or alcohol-related charge; or
- (3) Receives a positive drug-test result.

The employee must notify the Senior Human Resources and Labor Relations Manager as soon as possible but no later than 5 calendar days of such arrest, conviction, or receipt of a positive test result.

I have read the information above and understand that I am employed in a TDP subject to the requirements of 10 CFR 707, including those set forth above. Furthermore, as a condition of occupying this position, I agree that I will not buy, sell, accept as a gift, experiment with, use, possess, or otherwise involve myself with illegal drugs at any time. I also understand that I am entitled to refuse to consent to this drug/alcohol testing (by not providing my signature below), but in doing so I will be subject to disciplinary action (up to and including termination), even for a first refusal.

The process for represented employees is outlined in their respective ratified CBAs. Changes to any drug and alcohol testing procedures that affect negotiated CBA language will not be effective for represented employees until such time as the union and the contractor negotiate changes or if they fail to reach an agreement within one year after commencement of negotiations an impasse will be declared to have been reached and the contractor will then unilaterally implement the requirements.

I hereby consent to the administration of the drug and alcohol tests described herein and to the terms and conditions of MCS's Substance Abuse Program Plan.

Employee's Printed Name

Employee's Legal Signature

Date signed

ATTACHMENT D. CLEARANCE HOLDERS AND IN PROCESS CLEARANCE CONSENT

CLEARANCE HOLDERS AND IN PROCESS CLEARANCE CONSENT

Mid-America Conversion Services, LLC (MCS) is subject to federal regulation 10 CFR 707, *Workplace Substance Abuse Programs*, at U.S. Department of Energy (DOE) sites as well as the requirements set forth in the Memorandum from Samuel W. Bodman dated September 14, 2007 entitled, "Decisions regarding drug testing for Department of Energy positions that require access authorizations (Security Clearances)" and has implemented a Substance Abuse Program Plan, DUF6-PLN-061 at its facilities. This program requires any employee who is in process clearance or current clearance holder of an "L" clearance or a "Q" clearance be subject to ongoing and unannounced random drug testing quarterly each calendar year because the illegal use of drugs or alcohol by employees in these positions could significantly harm the environment, public health and safety, or national security.

I acknowledge that I have read and understand MCS's Substance Abuse Program Plan and I give consent to allow an authorized MCS representative or a designated third party to collect urine samples from me for the sole purpose of detecting illegal drugs (or controlled legal substances taken without proper authorization). I agree to allow an authorized MCS representative or designated third party to perform a breath analyzer and/or blood testing for the purpose of detecting whether I am under the influence of alcohol while performing my job duties. Further, I give my consent for MCS to release and use my urine samples and test results in the administration and enforcement of MCS's Substance Abuse Program Plan and in any dispute arising out of the company's findings and any subsequent disciplinary actions. I understand that the test results will remain confidential (other than for the purposes identified herein).

I understand that if my urine tests positive, or if the breath analyzer and/or blood tests positive, I will be subject to disciplinary action (up to and including termination) by MCS or possible criminal prosecution by the U.S. government for violations on U.S. Department of Energy (DOE) or other federal property, even for a first offense. I also understand that I am entitled to refuse to consent to this drug/alcohol testing (by not providing my signature below), but in doing so I will be subject to disciplinary action (up to and including termination), even for a first refusal.

The process for represented employees is outlined in their respective ratified CBAs. Changes to any drug and alcohol testing procedures that affect negotiated CBA language will not be effective for represented employees until such time as the union and the contractor negotiate changes or if they fail to reach an agreement within one year after commencement of negotiations an impasse will be declared to have been reached and the contractor will then unilaterally implement the requirements.

I hereby consent to the administration of the drug and alcohol tests described herein and to the terms and conditions of MCS's Substance Abuse Program Plan.

Employee's Printed Name

Employee's Legal Signature

Date signed

ATTACHMENT E. REASONABLE SUSPICION CHECKLIST

REASONABLE SUSPICION CHECKLIST

The following checklist should be completed when a manager or supervisor has a "reasonable suspicion" of drug or alcohol use based on the physical appearance and behavior of an employee.

PART 1: EMPLOYEE INFORMATION

Employee Name: _____

Employee Job Title: _____

Observation Date: _____ Observation Time: _____ a.m. / p.m.

Location: _____

PART 2: OBSERVATIONS

Walking:

_____ Holding on _____ Stumbling _____ Unable to walk _____ Unsteady _____ Staggering
_____ Swaying _____ Falling _____ Other (describe) _____

Standing:

_____ Swaying _____ Feet wide apart _____ Unable to stand _____ Rigid _____ Staggering
_____ Dizziness _____ Sagging at knees _____ Other (describe) _____

Movements:

_____ Fumbling _____ Jerky _____ Nervous _____ Slow _____ Normal _____ Hyperactive
_____ Reduced reaction time _____ Not following tasks _____ Diminished coordination
_____ Tremors _____ Other (describe) _____

Eyes:

_____ Bloodshot _____ Watery _____ Droopy _____ Glassy _____ Closed
_____ Dilated/Constricted Pupils _____ Other (describe) _____

Face:

_____ Flushed _____ Pale _____ Sweaty _____ Other (describe) _____

Breath:

_____ No alcohol odor _____ Faint alcohol odor _____ Strong alcohol odor _____ Chemical odor
_____ Sweet/pungent tobacco odor _____ Heavy use of breath spray
_____ Other (describe) _____

OTHER OBSERVATIONS

(List below any other observations not included in this checklist. Also provide details for any accident that the employee in question caused or was involved in.)

Manager/Supervisor Printed Name

Manager/Supervisor Signature

Date Signed

ATTACHMENT F. EMPLOYEE ASSISTANCE PROGRAM BROCHURE & SUMMARY

Page 1 of 2



Employee Assistance & Work/Life Support Program

24/7

Employee Assistance & Work/Life Support Program

24/7

Support for your mind and body.

EAP National Wellness Seminars: Take part in bi-monthly seminars year-round on topics that apply to real-life concerns. Join live or on demand from a computer, smartphone or tablet at: Cigna.com/EAPWebCasts.

Behavioral Awareness Series: We offer free behavioral health awareness seminars on autism, eating disorders, substance use and children's behavioral health issues. For more information, visit: Cigna.com/individuals-families/health-wellness.

Suicide Awareness and Prevention: Find crisis resources and information at Cigna.com/SuicidePrevention.

Call anytime for questions or support.

1.877.622.4327
myCigna.com
Employer ID: macs
(for initial registration)
TTY/TDD users call 711

Employee assistance program (EAP) services are in addition to, not instead of, your health plan benefits. These services are separate from your health plan benefits and do not provide reimbursement for financial losses. Program availability may vary by plan type and location, and are not available where prohibited by law.

Some work/life services offered under the Employee Assistance Program may be provided by a Cigna Healthcare-contracted third-party vendor.

All Cigna Healthcare products and services are provided exclusively by or through operating subsidiaries of The Cigna Group, including Cigna Health and Life Insurance Company and Cigna Behavioral Health, Inc. The Cigna Healthcare name, logo, and other marks are owned by Cigna Intellectual Property, Inc.

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For the employees of Mission Conversion Services America and their household members.



Real support for real life

Get to know the Employee Assistance & Work/Life Support Program

PROOF 

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ATTACHMENT F. EMPLOYEE ASSISTANCE PROGRAM BROCHURE & SUMMARY

Page 2 of 2

Here to help. And support. And problem-solve.

With our Employee Assistance & Work/Life Support Program, you can get support for everyday issues and life challenges. The Employee Assistance & Work/Life Support Program is here to connect you with real people who can help you find real solutions to life's challenges.

These services are all confidential and available at no additional cost to you and anyone living in your household.



To access mindfulness exercises and discover stress management techniques, explore our Managing Stress Toolkit at Cigna.com/ManagingStress.



Emotional Health

Get 1-6 sessions per issue per year with a dedicated, licensed counselor at no cost to you.

Start by calling or using live chat to get a referral. Face to face or virtual sessions available for topics such as:

- Relationships and parenting
- Behavioral health and substance use
- Stress management

Home Life Referrals

Referrals for community resources/services

- **Adoption:** Learn more about your options and the agencies that can help.
- **Child care:** We'll help you find a place, program or person that's right for your family.
- **Education guidance:** We'll help you make the best decisions for your family for college searches and more.
- **Child care:** We'll help you find a place, program or person that's right for your family.
- **Pet care:** From veterinarians to dog walkers, we'll help you ensure your pets are well taken care of.
- **Senior care:** Learn about solutions related to caring for an aging loved one.
- **Prenatal care:** Find guidance through every pregnancy stage.

Financial and Legal Assistance

- **Legal consulting:** Get a free 30-minute consultation with a network attorney and 25% off select fees.¹
- **Financial services referral:** Free 30-minute financial consultations by phone per topic and 25% off tax preparation.¹
- **Identity theft:** Get a free 60-minute expert consultation by phone for prevention or if you are victimized.

¹Customers are required to pay the entire discounted charge for any discounted legal and/or financial services. Legal consultations related to employment matters are excluded. Additional restrictions may apply.

Employee Assistance & Work/Life Support Program

24/7

PROOF

Connect anytime

Call **1.877.622.4327**.
TTY/TDD users call 711.

Connect through
myCigna.com

Employer ID:
macs
(for initial registration)



Connect anytime

Call **1.877.622.4327**.
TTY/TDD users call 711.

Connect through
myCigna.com

Employer ID:
macs
(for initial registration)



ATTACHMENT G. PROGRAM CONTACT INFORMATION**Page 1 of 3*****INTERNAL RESOURCES*****Program Manager**

Senior Human Resources/Labor Relations Manager
Mission Conversion Services Alliances, LLC
1010 Monarch Street
Lexington, KY 40513
Phone: (859) 859-5895
Fax: (859) 685-9153

Paducah HR/LR Manager

Mission Conversion Services Alliances, LLC
5509 Hobbs Road
C-1700
Kevil, KY 42053-9711
Phone: (270) 538-2031
Fax: (270) 538-2143

Portsmouth HR/LR Manager

Mission Conversion Services Alliances, LLC
3930 US HWY 23 S (X-1700)
PO Box 490
Piketon, OH 45661-9113
Phone: (740) 289-5415
Fax: (740) 289-5515

Lexington HR/LR Manager

Mission Conversion Services Alliances, LLC
1020 Monarch Street
Suite 300
Lexington, KY 40513
Phone: (859) 685-9224
Fax: (859) 685-9153

ATTACHMENT G. PROGRAM CONTACT INFORMATION**Page 2 of 3*****EXTERNAL RESOURCES*****Employee Assistance Program (EAP)**

CIGNA Behavioral Health, Inc.
11095 Viking Drive
Eden Prairie, MN 55344
Phone: (877) 622-4327
Website: myCigna.com
Employer ID: macs

Paducah Medical Reviewing Official (MRO)

HealthWorks
2365 New Holt Road
Paducah, KY 42001
Phone: (270) 448-9355
Fax: (270) 448-9361

Paducah Occupational Medicine Provider (OMP) and Designated Collection Site

HealthWorks
2365 New Holt Road
Paducah, KY 42001
Phone: (270) 448-9355
Fax: (270) 448-9361

Paducah HHS-Certified Testing Laboratory

Quest Diagnostics
10101 Renner Boulevard
Lenexa, KS 66219
Phone: (800) 877-7484

Portsmouth Medical Reviewing Official (MRO)

Adena Medical Center – Occupational Health
4457 State Route 159
Chillicothe, OH 45601
Phone: (740) 779-7813
Fax: (740) 779-7488

ATTACHMENT G. PROGRAM CONTACT INFORMATION**Page 3 of 3****Portsmouth Occupational Medicine Provider (OMP) and Designated Collection Site**

Adena Medical Center – Occupational Health
12340 State Route 104
Waverly, OH 45690
Phone: (740) 941-5111
Fax: (740) 941-5207

Portsmouth HHS-Certified Testing Laboratory

Clinical Reference Laboratory, Inc.
1711 W. 83rd Terrace
Lenexa, KS 66150
Phone: (800) 445-6917

Lexington Medical Reviewing Official (MRO)

National
8140 Ward Parkway
Suite 275
Kansas City, MO 64106
(800) 881-0722

Lexington Occupational Medicine Provider (OMP) and Designated Collection Site

Concentra
<https://portal.concertra.com/login>
1722 Sharkey Way
Lexington, KY 40511
(859) 245-0692

Lexington HHS – Certified Testing Laboratory

Quest Diagnostics
10101 Renner Boulevard
Lenexa, KS 66219
Phone: (800) 877-7484

END OF DOCUMENT