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## Substance Abuse

### 1.0 PURPOSE

The purpose of this document is to establish expectations for and describe the mechanisms for maintaining a work environment at Los Alamos National Laboratory that is drug-free, safe, and in compliance with federal and state laws and regulations.

### 2.0 AUTHORITY AND APPLICABILITY

#### 2.1 Authority

This document is issued under the authority of the Laboratory Director to direct the management and operation of the Laboratory, as delegated to the Associate Director for Business Innovation (ADBI) as provided in the [Prime Contract](#). This document derives from the Laboratory [Governing Policies](#), particularly the section on Human Resources, and federal and state laws and regulations referenced in this document.

- Issuing Authority (IA): Associate Director for Business Innovation (ADBI)
- Responsible Manager (RM): Human Resources (HR) Division Leader
- Responsible Office (RO): Human Resources-Employee and Labor Relations Group (HR-ELR)

#### 2.2 Applicability

This document applies to all who perform work at or for the Laboratory as an employee, subcontract worker, student, guest, loaned employee, visitor, or other type of worker.

**Note:** All workers on casual pay status who are neither located at the Laboratory nor performing work for it, are subject to the requirements in this document.

In those instances in which there is a conflict between a collective bargaining agreement and the requirements of this document, the collective bargaining agreement prevails.

### 3.0 PROCEDURE DESCRIPTION

As a Department of Energy (DOE) site with a national security mission, the Laboratory cannot tolerate illegal activity and must ensure a work environment that is free from unauthorized or illegal use, possession, or distribution of alcohol or controlled substances. Workers who are involved with illegal drugs or other controlled substances, or who abuse alcohol, pose unacceptable risks to safe and efficient operations. Such worker behavior also may undermine public or customer confidence in safe and efficient Laboratory operations.

#### 3.1 Drugs

Unlawful manufacture, distribution, dispensing, possession, use, transfer, or sale of drugs is prohibited regardless of whether this occurs at the workplace, at official Laboratory functions, on Laboratory business, or on an individual's private time or property.

Although medical and recreational marijuana use is permitted in some states, such use remains illegal under federal law. Therefore, its use is prohibited under this document.

### 3.2 Alcohol

The unauthorized use or possession of alcohol or alcoholic beverages on Laboratory property or at Laboratory-sponsored functions is prohibited.

Laboratory-sponsored functions include:

- events that require a worker's attendance,
- Laboratory-funded events where attendance is either required or optional, and
- events that occur during scheduled work hours.

See [P709-2, Official Visits and Functions](#), for information about obtaining authorization for the use of alcoholic beverages on Laboratory property or at official Laboratory functions.

### 3.3 Violations

Laboratory employees who violate the prohibitions described in Section 3.1 will be terminated from employment except as otherwise described in this document (see, for example, Section 3.11). Employees found to be in violation of Section 3.2 may be subject to disciplinary action, up to and including termination, and may be required to participate satisfactorily in an Occupation Safety and Health-Occupational Medicine (OSH-OM) treatment program. See [P731, Discipline](#). Subcontract workers found to be in violation of this document may be restricted from working at the Laboratory. Any violation may result in the reporting of derogatory information to the DOE (see [10 Code of Federal Regulations \[CFR\] 710.8, Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Special Nuclear Material, Sec. 710.8, Criteria](#)).

### 3.4 Substance Abuse Program

In support of the Laboratory's commitment to maintain a drug and alcohol-free workplace and a safe environment for its workforce and the public, the Laboratory:

- Requires pre-employment drug testing (see Section 3.6.1).
- Requires random drug testing (see Section 3.6.2).
- Requires drug and/or alcohol testing when there is reasonable suspicion (see Section 3.6.3).
- Requires other drug and/or alcohol testing as deemed appropriate (see Sections 3.6.4 and 3.6.5).
- Engages in the use of drug-detection dogs (see Section 3.10).

The Laboratory recognizes dependency on drugs and alcohol as treatable conditions and offers programs and services for Laboratory workers with substance dependency problems. Workers are encouraged to seek assistance from OSH-OM and the Employee Assistance Program. Information and assistance obtained from OSH-OM will be treated as confidential as described in this document.

The Laboratory's substance abuse program is in compliance with [10 CFR 707, Workplace Substance Abuse Programs at DOE Sites](#), and ensures the integrity of the drug and alcohol testing process and the confidentiality of worker information as provided by applicable laws and regulations.

### 3.5 Worker Notifications

Under this document, workers are required to:

- Notify Personnel Security Group (SAFE-2) immediately if they are arrested or convicted of any criminal drug statute violation.
- Notify SAFE-2 immediately if they are cited, arrested or convicted of any alcohol related incident (e.g., Driving Under the Influence [DUI], Driving While Intoxicated [DWI], public intoxication, open container, minor in possession, etc.). SAFE-2 will notify OSH-OM.
- Notify SAFE-2 immediately after any initiation of treatment for any drug or alcohol related disorder (only required of workers with security clearances).
- Notify OSH-OM if taking a legal drug that the worker believes may affect his or her job performance.
- Notify their manager and SAFE-2 on the first day back to work if they suspect they may have been exposed to any type of illegal drug (e.g., accidental ingestion). Workers will be immediately referred to OSH-OM for an evaluation and subsequent baseline testing. Workers will not be allowed to work until cleared by OSH-OM and HR-ELR. Workers who truthfully report accidental ingestion before being called for a drug test will not be disciplined for the accidental ingestion. Waiting to report this type of incident until after the worker receives notice of a random test is unacceptable and may result in disciplinary action, including termination of employment.
- Notify their manager immediately after being involved in a non-vehicular incident or accident at work that resulted in a serious injury or had the potential for serious injury.
- Notify their manager at the earliest reasonable opportunity after being involved in a vehicle accident that resulted in or had the potential for injury while driving any government-owned vehicle, including motorized equipment, on or off Laboratory property or while driving any private vehicle (including rental vehicles) while on Laboratory business and/or within the boundaries of a Laboratory Technical Area (TA) other than TA-00, which comprises downtown Los Alamos.

### 3.6 When Testing is Conducted

#### 3.6.1 Pre-Employment Drug Testing

All Laboratory employees (not including guests or affiliates) must successfully complete a pre-employment drug test and all subcontractor employees must successfully complete a drug test no more than 60 days before obtaining a standard (non-visitor) Laboratory badge.

#### 3.6.2 Random Drug Testing

All Laboratory employees (not including guests or affiliates who do not hold Q or L clearances) and subcontractor employees who are holders of standard (non-visitor) badges are subject to random drug testing, provided they are at the worksite, which may include the employee's home if the employee is authorized to work from home. Employees whose primary work location is not on site will be subject to random drug testing at their primary work location. Workers, who when contacted for random drug testing, are on approved leave or travel or are otherwise not at the worksite, will not be subject to testing at that time. As is true for the workers who are tested, these workers will be returned to the random testing pool and will be subject to selection for the next random drug test. Workers cannot request to take leave once they have been contacted for a random drug test until after the test is completed. Workers who are subject to random drug testing under another government testing program will not be included in the random testing pool under this document.

### 3.6.3 Reasonable Suspicion

Drug and/or alcohol testing is/are required if:

- OSH-OM or SAFE-2 determines that there is reasonable suspicion that the worker may have violated the requirements of this document.
- The worker is the subject of a drug-detection dog alert and/or possesses property that has caused a drug-detection dog alert.
- A manager or a supervisor observes worker behavior commonly associated with alcohol or substance abuse such as unexplained chronic tiredness, tardiness, absence patterns, odor of alcohol, slurred speech, unsteady gait, etc. Questions concerning behavior should be directed to OSH-OM. The manager or supervisor should discuss the observed behaviors with the worker as appropriate and make a referral to OSH-OM for an evaluation of the worker. See P102-3, Medical Evaluation for Work. Neither a manager nor a supervisor should attempt to diagnose the problem. The decision as to whether there is reasonable suspicion for a drug and/or alcohol test under these circumstances will be made by OSH-OM.

### 3.6.4 Post Incident/Accident Testing

**Note:** Emergency medical care takes precedence over testing protocol.

Drug and/or alcohol testing is/are required when a non-vehicular incident or accident that resulted in a serious injury or had the potential for serious injury occurs at work.

- Workers who are present and potentially involved in the work activity and/or the incident/accident will be subject to testing.

Drug and/or alcohol testing is/are required when determined to be appropriate by SAFE-2, in consultation with the manager, for a worker involved in a vehicle accident that resulted in or had the potential for injury while driving any government-owned vehicle, including motorized equipment, on or off Laboratory property or while driving any private vehicle (including rental vehicles) while on Laboratory business and/or within the boundaries of a Laboratory TA other than TA-00.

- In deciding when to require testing, SAFE-2 will consider the following relevant factors: the particular circumstances of the accident; the potential liability of the Laboratory; the worker's work history; the logistics of being tested; and any other information deemed relevant by the worker's manager or SAFE-2.

For all incidents/accidents described above, the manager and OSH-OM (if OSH-OM is engaged) must notify SAFE-2 within one hour of the incident or accident or as soon as reasonably possible. To contact SAFE-2 for testing, managers can call 7-8378 (P-TEST).

In situations when incidents or accidents result in hospitalization, OSH-OM will seek a drug test from the hospital. If the hospital requires consent from the employee to conduct the test, the employee is required to give that consent as a condition of employment.

Post incident/accident testing must be conducted within 32 hours of the incident/accident. If for some reason testing is not conducted within 32 hours, a test will not be conducted unless otherwise instructed by this document.

### 3.6.5 Other Testing

Drug and/or alcohol testing is/are required when:

- OSH-OM determines that unannounced, periodic testing is medically appropriate as indicated within the context of [P102-3](#), *Medical Evaluation for Work*, or [10 CFR 712](#), *Human Reliability Program*, monitoring.
- Necessary as related to security clearances or applications for security clearances.

### 3.7 How Testing is Conducted

SAFE-2 has oversight of all drug and alcohol testing at the Laboratory. All specimen collection, including urine and breath samples, will be collected in accordance with [10 CFR 707](#), *Workplace Substance Abuse Programs at DOE Sites* and [49 CFR 40](#), *Procedures for Transportation Workplace Drug and Alcohol Testing Programs*.

#### 3.7.1 Urine Drug Testing

The Laboratory's drug testing program is recognized as an Accredited Specimen Collection Facility Program by the Drug and Alcohol Testing Instruction Association and is accredited annually. SAFE-2 or an approved entity collects samples from workers and submits the samples to a Laboratory-approved laboratory. The laboratory used for urine analysis must appear on the Department of Health and Human Services (DHHS) current list of laboratories, which meet minimum standards to engage in urine drug testing for federal agencies. The drug cutoff concentrations for initial and confirmation tests will conform to [49 CFR 40.87](#), *Procedures for Transportation Workplace Drug and Alcohol Testing Programs*, Subpart F, *Drug Testing Laboratories*, and DHHS Mandatory Guidelines.

The SAFE-2 drug testing program coordinator, OSH-OM, or the worker's manager will provide logistical information to the worker with regard to the timing and location for testing. The worker is responsible for arriving at the scheduled time. If the worker fails to appear at the designated time and location, the drug testing program coordinator will contact the worker's manager to begin documenting the event. If the worker does not arrive at the testing location within two hours of the notification, the failure to appear may be considered a refusal to test. At the collection site, the worker is identified through the use of his or her Laboratory-issued badge or, if an applicant, through government-issued photo identification. The worker provides a sample, which is poured into two separate, sanitized containers and sealed. The analysis is conducted using one of the samples, while the second "split sample" remains sealed and retained by the testing laboratory for use in the event the first test is positive and the worker requests a second analysis. A chain-of-custody process ensures the integrity of each sample.

If the initial immunoassay screening is positive, a confirmation test using gas chromatography/mass spectroscopy is performed and the certified results are sent to the Laboratory's Medical Review Officer (MRO). If the results indicate the presence of drug(s), the MRO will meet with the worker to discuss the results. If there is a legitimate reason for a positive, such as a valid prescription or medical condition, the MRO will report this result as a confirmed negative to SAFE-2; otherwise the result is reported as a confirmed positive. If a confirmed positive result is obtained for an applicant, SAFE-2 will notify Human Resources-Field and Central Services (HR-FCS) that the applicant is not eligible for employment. If a confirmed positive result is obtained for an employee or subcontractor, SAFE-2 will notify the worker's manager to initiate the procedures for when a test result is confirmed positive. The worker can request an additional test on the split sample at a DHHS-approved laboratory.

### 3.7.2 *Breath Alcohol Testing*

Breath alcohol tests are administered by SAFE-2's Breath Alcohol Technicians (BATs), who use an Evidential-Grade Breath Alcohol Device (EBT). This device measures breath-alcohol concentration. Results are recorded in grams of alcohol per 210 liters of breath. An initial screening test is conducted to determine the presence or absence of alcohol. If the screening determines alcohol is present, a confirmation test will be conducted to determine the concentration.

**Note:** Positive drug or alcohol test results are considered to be violations of this document. Any worker who renders a breath alcohol test result of 0.02 g/210 L or greater will be immediately evaluated by OSH-OM to determine additional actions.

### 3.8 Procedures to Follow When a Test Result is Confirmed Positive

#### 3.8.1 *Drugs*

When an applicant's test is confirmed positive for drugs, HR-FCS must:

- Notify the applicant's hiring manager and applicant that the applicant is not eligible for employment.

When an employee's test is confirmed positive for drugs, managers must:

- Immediately stop the employee from performing any work.
- Confiscate the employee's badge and return it to SAFE-2, who will restrict the employee's access to Laboratory property.
- Consult with OSH-OM to determine whether the employee should have a medical evaluation before driving.
- Consult with HR-ELR to determine placement on Investigatory Leave and whether appropriate disciplinary action should be taken. See P731, *Discipline*.

When a subcontract worker or other non-Laboratory employee's test is confirmed positive for drugs, managers must:

- Immediately stop the worker from performing any work and ask the worker to report back to his or her employer because the assignment is being terminated.
- Confiscate the worker's badge and return it to SAFE-2, who will restrict the employee's access to Laboratory property.
- Consult with OSH-OM to determine whether the worker should have a medical evaluation before driving.
- Coordinate with HR-ELR to ensure that appropriate notifications are made regarding the test results.

### 3.8.2 Alcohol

When an employee tests positive for alcohol, managers:

- Must immediately place the employee on sick leave, vacation, or leave without pay for the remainder of the shift and require the employee to report to OSH-OM the next workday, before performing any work duties, for a fitness for duty evaluation. See [P102-3](#), *Medical Evaluation for Work*.
- Must ask the employee to call a relative or friend to take him or her home. If the employee insists on driving a vehicle off Laboratory premises, the manager will notify the Security Incident Team (SAFE-5).
- May authorize the use of a government-owned vehicle to transport the employee home. See [P821](#), *Government Personal Property*.
- Must consult with HR-ELR to determine whether disciplinary action should be taken. See [P731](#), *Discipline*.

When a subcontract worker or other non-Laboratory employee tests positive for alcohol, managers:

- Must immediately stop the worker from performing any work.
- Must ask the worker to call a relative or friend to take him or her home. If the worker insists on driving a vehicle off Laboratory premises, the manager will notify SAFE-5.
- May authorize the use of a government-owned vehicle to transport the worker home. See [P821](#), *Government Personal Property*.
- Must instruct the worker to report to OSH-OM the next workday, before performing any work duties, for a fitness for duty evaluation unless the assignment is terminated.
- Must coordinate with HR-ELR to ensure that appropriate notifications are made regarding the test results and, if applicable, any changes to the worker's assignment.

**Note:** Managers who fail to follow these procedures may be subject to discipline. See [P731](#), *Discipline*.

### 3.9 Refusal to Be Tested

If a worker refuses to be tested, the refusal will be reported and treated as a confirmed positive result.

### 3.10 Drug-Detection Dogs

The Classified Matter Protection Group (PS-1) may use drug-detection dogs to deter the presence or introduction of illegal drugs in the work place. Drug-detection dogs may be used:

- On all Laboratory property, including parking lots.
- In and around worker's privately owned vehicles parked on Laboratory property.
- In and around work areas.
- In and around desks, lockers, and other containers assigned to workers.

### 3.10.1 When Illegal Drugs are Found

If illegal drugs are found by using drug-detection dogs:

- PS-1 must notify local law enforcement authorities, the Laboratory's Protective Force, SAFE-5, and SAFE-2.
- The worker's manager must contact HR-ELR to discuss appropriate action, which typically will be termination. See [P731](#), *Discipline*.

### 3.10.2 When Illegal Drugs are Not Found

If drug-detection dogs alert to the scent of illegal drugs in private property owned by a worker or in a work area, desk, locker, or other container assigned to a certain employee and no illegal drugs are actually found, PS-1 personnel are required to notify the worker's manager of a drug-detection dog alert. The manager takes no action unless:

- behavior is observed that may pose an immediate threat to the health and safety of the worker or to others or poses a potential threat to security, and the manager reasonably suspects that substance abuse may have been a contributing factor.
- the worker is behaving erratically and there is reasonable suspicion that he or she may be under the influence and/or using or misusing drugs.
- the use of controlled substances, the misuse of legal substances, or the unauthorized use of alcohol has been observed in the workplace.
- a work-related accident or incident occurs where the manager reasonably suspects that substance abuse may have been a contributing factor.

If any of the above factors are present, the manager must notify OSH-OM.

## 3.11 Rehabilitation Assistance

The Laboratory strongly encourages any workers who suffer from any form of drug or alcohol abuse or addiction to voluntarily seek assistance from OSH-OM and/or the Employee Assistance Program. Workers who seek assistance from OSH-OM or the Employee Assistance Program before being contacted for a drug test are not subject to disciplinary action based solely on the identified substance abuse occurring before the self-identification, but do remain subject to disciplinary action for any violation occurring after seeking rehabilitation assistance. Workers who seek assistance from OSH-OM or the Employee Assistance Program after being contacted for a drug test will be subject to disciplinary action if the final results of the drug test are positive. A test result is declared final when there is no follow-up test within seven days after the last specimen collection by SAFE-2; a new random test is not considered a follow-up.

Information concerning a worker's substance abuse may result in a report of derogatory information to DOE even if the information was obtained as part of self-identification and may result in the worker being ineligible for a security clearance. See [10 CFR 710](#), *Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Special Nuclear Material*.

### 3.11.1 Occupational Safety and Health-Occupational Medicine (OSH-OM)

OSH-OM and Employee Assistance Program Services are available to all Laboratory workers. OSH-OM may refer workers to other sources of assistance, including in- or outpatient treatment or rehabilitation programs. Workers are responsible for the costs of any rehabilitation program in which they participate.

Employees should consult the Human Resources-Benefits Group (HR-B) for details of coverage under the Laboratory's health insurance plans. Employees who enter into a rehabilitation program, and are not at work as a result, will be placed on sick leave, vacation, or leave without pay while in treatment. See [P730-3](#), *Sick Leave*, [P730-2](#), *Vacation*, and [P730-11](#), *Leave Without Pay*.

### **3.11.2 Occupational Safety and Health-Occupational Medicine (OSH-OM) Confidentiality**

OSH-OM will not release information concerning a worker's substance abuse without the worker's written consent unless permitted by law. The circumstances under which OSH-OM may release information without consent include but are not limited to situations in which OSH-OM:

- Believes the worker is likely to harm himself or herself. OSH-OM will take action to reduce that risk, such as notifying a family member, seeking assistance from law enforcement, and/or facilitating a hospital admission.
- Believes the worker is likely to harm someone else. OSH-OM will take action to reduce that risk, such as notifying the person being threatened and notifying the appropriate law enforcement agencies.
- Believes a child or a vulnerable adult is at risk for abuse or neglect. OSH-OM will take action to protect the person identified and notify protective services or the appropriate law enforcement agency.
- Believes the worker represents a clear national security risk. OSH-OM will report this information to SAFE-2 and the worker's manager.
- Has received a federal or state judicial order to disclose the information.
- Is required to report derogatory information to DOE.

### **3.12 Use of Legal Drugs**

See [P102-3](#), *Medical Evaluation for Work*, for additional information regarding use of over-the-counter or prescribed medication that could adversely affect job performance.

### **3.13 Off-Site Behavior**

Employee misconduct that occurs outside of work hours or away from Laboratory premises may result in corrective or disciplinary action if the misconduct is connected to Laboratory employment or may have a negative impact on the Laboratory or its sponsoring agencies. The use of illegal drugs or other violations of this document is connected to Laboratory employment and may result in corrective or disciplinary action regardless of whether or not the misconduct occurs during work hours or on Laboratory premises.

## **4.0 RESPONSIBILITIES**

### **4.1 Workers**

- Comply with the required notifications set forth in Section 3.5.
- Be fit for duty and avoid behavior that could compromise the health or safety of the worker or others or the security of the Laboratory.
- Meet with SAFE-2 and/or OSH-OM at times specified when asked to perform a drug and/or alcohol test and fully cooperate with their instructions.
- Provide true and accurate records and information relating to their use of drugs and alcohol.

## 4.2 Managers

- Discuss with an appropriate worker observed problems commonly associated with substance abuse, and refer the worker to OSH-OM for an evaluation when appropriate. The manager should not attempt to diagnose the problem.
- Call the Laboratory's Protective Force and HR-ELR for assistance if a worker appears overly agitated, aggressive, or hostile. See P724, *Workplace Violence*.
- Immediately remove a worker from his or her workplace and escort the worker to OSH-OM for an evaluation (outside of core business hours, contact SOC-LA, the Laboratory's Protective Force) when:
  - there is reasonable suspicion that the worker may be under the influence and/or using or misusing drugs or alcohol; or
  - there is observed use of controlled substances, misuse of legal substances, the presence of alcohol, or unauthorized use of alcohol.
- For incidents or accidents pursuant to Section 3.6.4, notify SAFE-2 for alcohol and/or drug testing within one hour of the incident or accident, or as soon as reasonably possible. SAFE-2 can be contacted at 7-8378 (P-TEST).
- Consult with SAFE-2 on relevant factors to consider in determining necessity for drug and/or alcohol testing in relation to accidents that resulted in or had the potential for injury.
- Reply honestly about their personal knowledge of a person's substance abuse problem or participation in a rehabilitation program when questioned by an investigator or by OSH-OM.
- Notify SAFE-2 immediately after receiving notice of a worker's citation, arrest, or conviction for a criminal drug statute violation or an alcohol-related incident.
- In coordination with HR-ELR, take appropriate disciplinary action against an employee, up to and including termination, for criminal convictions and/or violations of this document.

## 4.3 Acquisition Services Management

- Ensures that the agreements between Los Alamos National Security, Limited Liability Company (LANS, LLC) and its subcontractors include contract language that will facilitate the implementation of this document.

## 4.4 Human Resources-Employee and Labor Relations (HR-ELR)

- Assists managers when workers refuse to be tested or test positive for drugs or alcohol or otherwise violate the provisions of this document.

## 4.5 Human Resources-Field and Central Services (HR-FCS)

- Ensures that applicants who receive an offer of employment are informed in their offer letter that they must successfully complete drug screening, subject to all applicable legal requirements, before they begin work.
- If an applicant's test result is confirmed positive, notifies the applicant that the offer of employment has been withdrawn.

#### 4.6 Occupational Safety and Health-Occupational Medicine (OSH-OM)

- Ensures that all presumed positive drug test results are reviewed and confirmed by a qualified MRO, who must:
  - Review each presumed positive test result and discuss it with the individual.
  - Report confirmed positive test results to SAFE-2.
- Conducts a fitness for duty evaluation of a worker when requested by the worker's manager and when medically appropriate as indicated within the context of [P102-3](#), *Medical Evaluation for Work*, or [10 CFR 712](#), *Human Reliability Program*, monitoring.
- Conducts a fitness for duty evaluation of a worker when notified by SAFE-2 that the worker has been cited, arrested, or convicted of an alcohol-related offense.
- For incidents or accidents pursuant to Section 3.6.4, notifies SAFE-2 for alcohol and/or drug testing as soon as reasonably possible, preferably within one hour of the incident or accident. SAFE-2 can be contacted at 7-8378 (P-TEST).

#### 4.7 Classified Matter Protection Group (PS-1)

- Administers the drug-detection dog program.

#### 4.8 Personnel Security Group (SAFE-2)

- Oversees the drug- and alcohol-testing program described in this document.
- Reports positive drug and alcohol test results to DOE as required.
- Initiates property restriction on workers who violate this document.
- Upon notification of an alcohol related arrest or conviction, prohibits workers with driving restrictions issued by the state of New Mexico or any other state from driving government-owned vehicles, including motorized equipment.
- Notifies OSH-OM of workers who are cited, arrested or convicted of a criminal drug statute violation or an alcohol-related incident.
- Depending upon the circumstances, consults with the worker's manager and determines the need for drug and/or alcohol testing as provided in Sections 3.6–3.6.5.

### 5.0 IMPLEMENTATION

The requirements in this document are effective on the issue date.

### 6.0 TRAINING

- [Course #42095](#), *Substance Abuse Awareness Program for Employees*, required for all Laboratory workers.
- [Course #13417](#), *Supervising Fitness for Duty*, required for all supervisors and managers.

## 7.0 EXCEPTION OR VARIANCE

To obtain an exception or variance to this document, see the following instructions:

- Managers may request an exception or variance from the IA through the RM.
- At the IA's request, the RM will provide a recommendation or supporting information.
- The IA or designee will provide the requestor with a written response and copy the RM.

The requesting organization must maintain the official copy of record of the approved correspondence granting the exception or variance.

## 8.0 DOCUMENTS AND RECORDS

### 8.1 Office of Record

The Policy Office is the Laboratory Office of Record for this Institutional Document and maintains the administrative record.

HR-ELR is the Laboratory office of record for all disciplinary actions.

- Copies of all official, signed disciplinary action memos must be placed in the employee's Official Personnel File (the hard copy file maintained in the Human Resources Personnel Records office) and in the group-level personnel file.
- Verbal and written counseling memoranda are not placed in the Official Personnel File but are maintained in the group-level personnel files.
- Copies of all disciplinary actions placed in the employee's Official Personnel File, other than those imposing discipline for poor performance, must also be forwarded to SAFE-2. SAFE-2 will report disciplinary actions to the DOE as required by law or regulation.
- Copies of disciplinary notices must be retained in the employee's Official Personnel File for two years from the date of the notice. These notices may be retained longer if the employee engages in actions during this period that warrant additional disciplinary action.
- To remove an employee's disciplinary action from the Official Personnel File before the scheduled date for removal, the line manager must send a memorandum to HR-ELR for review and to the responsible division or higher-level manager for approval.

## 9.0 DEFINITIONS AND ACRONYMS

### 9.1 Definitions

See [Definition of Terms](#)

**Controlled Substances**—See Schedules I through V of the Controlled Substances Act, [21 CFR 812](#), *Investigational Device Exemptions*, and by [21 CFR 1308](#), *Schedules of Controlled Substances* for a complete definition of controlled substances.

**Employees on Casual Pay Status**—Employees who work no more than 40 percent of full-time hours (104 days or 832 hours) in a consecutive 12-month period. (See [P764](#), *Types of Appointment and Assignment Categories*.)

**Illegal Drug**—See Schedules I through V of the Controlled Substances Act, [21 CFR 812](#), *Investigational Device Exemptions*, and by [21 CFR 1308](#), *Schedules of Controlled Substances* for a complete definition of illegal drug. The term does not apply to the use of a controlled substance in accordance with terms of a valid prescription, or other uses authorized by federal law.

**Laboratory Employees**—Workers employed by LANS, LLC and assigned to perform work for or at the Laboratory for their primary duty. Laboratory employees include:

- regular
- term
- parent company transfer
- postdoc, including distinguished postdoc
- graduate research assistant, including
  - post masters
  - post baccalaureate
- undergraduate student
- high school co-op
- Laboratory associate, including retired fellow

**Laboratory Guests or Affiliates**—Individuals who personally render services to the Laboratory on a short-term or infrequent basis. Laboratory guests are not Laboratory employees. Guest or affiliate categories include:

- official visitors
- guest scientists
- official student guests and no-fee interns
- official faculty guests
- consultants

**Positive Alcohol Test**—A test result of 0.08 g/210 L or greater. For workers in the [10 CFR 712](#), *Human Reliability Program*, or Department of Transportation programs, a positive alcohol test result is 0.02 g/210 L or greater.

**Positive Drug Test**—A test result that shows the unauthorized presence of a controlled substance that has been confirmed by an MRO.

**Random Drug Testing**—The unscheduled, unannounced drug testing of randomly selected individuals by a process designed to ensure that selections are made in a nondiscriminatory manner.

**Subcontract Workers**—Workers retained through staff augmentation subcontracts, master/task ordering agreements, and stand-alone subcontracts. Subcontract workers provide services to LANS, LLC on a defined term and may be on-site on a regular basis. Subcontract workers are not Laboratory employees.

**Substance Abuse**—The use of controlled substances as identified in Schedules I through V of the Controlled Substances Act (72 USC 13) where the use is authorized neither by federal law

nor by a valid prescription. Substance abuse also includes but is not limited to misuse of alcohol or prescription drugs that affect an individual's ability to perform his or her job in a safe and secure manner.

**Term Employees**—Full-time or part-time employees hired for any time frame up to 10 years (see [P764](#)).

**Under the Influence of Drugs**—Having a sufficient amount of controlled substance in the body to test positive at the levels defined in [49 CFR 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs](#) and/or [10 CFR 707, Workplace Substance Abuse Programs at DOE Sites](#).

**Worker**—A person who performs work at or for Los Alamos National Laboratory (LANL or the Laboratory) on a regular basis. In this document, a worker applies to all who perform work at or for LANL as an employee, subcontractor, student, guest scientist, loaned employee, visitor, or other type of worker.

9.2 Acronyms

See LANL [Acronym Master List](#).

10.0 HISTORY

Revision History		
06/10/08	P732, Rev. 0	This document replaces and cancels Institutional Policy and Implementation Procedure (IPP) 732.1, <i>Substance Abuse</i> .
07/03/08	P732, Rev. 0.1	Section 3.2.4: Corrected grammar.
11/20/08	P732, Rev. 1	Section 2.2: Clarified the applicability statement.
04/23/09	P732, Rev. 2	Section 2.2: Clarified definition of student as a student on casual pay status who is neither located at the Laboratory nor performing work for it. Section 3.2: Clarified Laboratory-sponsored events at which alcoholic beverages are prohibited to include those that require a worker's attendance, Laboratory-funded events where attendance is either required or optional, and events that occur during scheduled work hours or official functions. Section 3.5: Added new worker notification requirements to report to Personnel Security Group (SAFE-2) "citations" for any alcohol related incidents. Section 3.6.2: Specified that when workers are on approved leave or travel or are otherwise not at the work site, they will not be subject to testing at that time. Section 3.6.3: Clarified that Occupational Medicine-Medical Services (OM-MS) or SAFE-2 determines if there is reasonable suspicion that a worker may have violated this document. Section 3.7.1: Clarified that a worker is responsible for arriving at the scheduled testing time. Section 4.1: Added requirement to meet with SAFE-2 and/or OM-MS at times specified when asked to perform a drug and/or alcohol test and fully cooperate with their instructions.

<b>Revision History</b>		
05/05/09	P732, Rev. 2.1	Section 3.2: Clarified that the unauthorized use or possession of alcohol or alcoholic beverages on Laboratory property or at Laboratory-sponsored events is prohibited.
11/24/09	P732, Rev. 3	Section 3.11 changed to correct wording which was never intended to allow someone called for a drug test to self-identify as having a drug problem just before testing. The intent is to provide assistance for those who self-identify, but not to allow self-identification after being called for a drug test.
08/15/11	P732, Rev. 4	Changed terminology to replace "limited-term" with "term," and change "casual" to "casual pay status." Added definitions of Employees on Casual Pay Status and Term Employees. Updated organization names.
10/18/11	P732, Rev. 5	Section 3.1: Clarified that illegal use, possession, or distribution of controlled substances, including medical marijuana, is prohibited even on an individual's private time or property. Clarified that the use of medical marijuana is illegal under federal law and is therefore prohibited under this document. Section 3.5: Clarified that those who truthfully report accidental ingestion before being called for a drug test will not be disciplined for the accidental ingestion. Section 3.6.2: Distinguished the difference between guests or affiliates who do not hold Q or L clearances related to random drug testing. Section 3.6.3: Clarified that reasonable suspicion for a drug and/or alcohol test will be determined by OM-MS. Sections 3.6.4 and 4.2: Added requirement for drug and/or alcohol testing following a non-vehicular incident at work that results in or has the potential for serious injury, and testing for the driver of any vehicle involved in an accident, including privately owned vehicles. Section 6.0: Updated to include training course requirements already in place.
01/27/14	P732, Rev. 6	Minor changes for clarification. Section 3.1: The last paragraph was replaced with: Although medical and recreational marijuana use is permitted in some states, such use remains illegal under federal law. Therefore, its use is prohibited under this document. Section 9.1: The definitions for "Illegal Drug" and "Substance Abuse" were updated to include the word "federal."
05/13/14	P732, Rev. 6	Administrative Change Replaced PS-3 with SAFE-2 throughout document.
04/20/15	P732, Rev. 6	Administrative Change: Updated organization names and hyperlinks.

Revision History		
08/10/15	P732, Rev. 7	<p>Performed three-year review in accordance with <a href="#">PD311</a>, <i>Requirements System and Hierarchy</i>.</p> <p>Section 3.6.2: Added statement to address random testing for employees working from home.</p> <p>Section 3.6.4: Added section on Post Incident/Accident Testing to clarify the process for alcohol and/or drug testing post incident/accident. Added that workers who are present and potentially involved in the work activity and/or the incident/accident will be subject to testing.</p> <p>Sections 4.2 and 4.6: Added responsibility for managers (4.2) and OSH-OM (4.6) regarding notifications to SAFE-2 after an incident/accident in accordance with Section 3.6.4.</p> <p>Updated links, titles, and acronyms.</p>

## 11.0 REFERENCES

### Prime Contract:

- [10 CFR 707](#), *Workplace Substance Abuse Programs at DOE Sites*

## 11.1 Other References

- [P709-2](#), *Official Visits and Functions*
- [P731](#), *Discipline*
- [10 CFR 710.8](#), *Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Special Nuclear Material, Sec. 710.8, Criteria*
- [P102-3](#), *Medical Evaluation for Work*
- [10 CFR 712](#), *Human Reliability Program*
- [49 CFR 40](#), *Procedures for Transportation Workplace Drug and Alcohol Testing Programs*
- [P821](#), *Government Personal Property*
- [10 CFR 710](#), *Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Special Nuclear Material*
- [P730-3](#), *Sick Leave*
- [P730-2](#), *Vacation*
- [P730-11](#), *Leave Without Pay*
- [P724](#), *Workplace Violence*
- Controlled Substances Act (72 USC 13)
- [21 CFR 812](#), *Investigational Device Exemptions*
- [21 CFR 1308](#), *Schedules of Controlled Substances*
- [P764](#), *Types of Appointment and Assignment Categories*
- [PD311](#), *Requirements System and Hierarchy*

**12.0 FORMS**

There are no forms associated with this document.

**13.0 ATTACHMENTS**

There are no attachments associated with this document.

**14.0 CONTACT**

Human Resources-Employee and Labor Relations Group (HR-ELR)  
Telephone: (505) 667-8730  
Fax: (505) 665-0400