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# NRC Drug Testing Manual

Office of Administration

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**NRC Drug-Free Agency Workplace  
Drug Testing Manual**

Division of Security  
Office of Administration, USNRC  
Washington, DC 20555

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## INTRODUCTION

December 1990

This manual contains procedures to assure that NRC's drug testing procedures are uniformly implemented for all employees, and applicants entering testing designated positions, throughout the NRC.

If you have any comments on this manual or would like any further information on the NRC's Drug Testing Program, please contact Richard A. Dopp or Raymond J. Brady of the Division of Security on (301) 492-4100.

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## CHAPTER I. GENERAL PROVISIONS

### A. NRC Drug Testing Office

The Division of Security, Office of Administration is responsible for ensuring the procedures contained in this manual are uniformly implemented for all employees, and applicants entering testing designated positions, throughout the Nuclear Regulatory Commission (NRC). Hereafter, this office shall be referred to as SEC.

### B. Assistant Drug Program Coordinators (ADPC)

1. The ADPCs referenced throughout this manual refer to the Headquarters (HQ) ADPC designated as having primary responsibility for coordination of all drug program activities and to Regional (REG) ADPCs having responsibility for Regional activities.
2. Each Region shall designate at least one alternate REG ADPC who shall be fully trained in and ready to assume all the responsibilities and duties of the ADPC in his/her absence.

### C. Site Coordinators (SC)

For those locations where testing is scheduled to be conducted and where the ADPC is not physically present (e.g., Denver or Chattanooga), an appropriate management official who is organizationally responsible for the facility shall designate a SC to assist the collector on the actual day of collection. The responsibilities of the SC shall include the following:

1. coordinating the scheduling of employees selected for testing with the collector, appropriate supervisor, and/or HQ ADPC;
2. ensuring employees are selected from the test list in accordance with the procedures outlined in this manual; and,
3. assisting the collector with logistical arrangements, if necessary.

### D. Safeguarding of Records Related to Drug Test Results

Test results will be protected under the provisions of the Privacy Act, 5 U.S.C. §552a and the Supplemental Appropriations Act, 1987 (Public Law 100-71, section 503(e)), and may not be released in violation of these statutes.

### E. Transmission of Test Results

1. Test results shall be transmitted electronically, by special courier or by U.S. Postal Service by the contract laboratory to the Medical Review Officer (MRO) in a manner consistent with the Privacy Act and approved by SEC.
2. Test results shall not be communicated orally by the contract laboratory.

### F. Release of Positive Test Results

1. Confirmed positive laboratory test results shall be disclosed by the laboratory only to the MRO.
2. After the MRO has completed all responsibilities necessary to interpret and evaluate positive test results, the MRO through the HQ ADPC shall disclose a verified positive test result only to the NRC Drug Program Coordinator (DPC). The DPC shall notify the employee, the Drug Rehabilitation



Assessment Coordinator, and any supervisory management official having authority to take or process an adverse personnel action against the employee.

3. All NRC employees who are tested for whatever reason will receive written notification of their test results from NRC. These positive results will be mailed to the employee's home address.

For outside NRC applicants, the HQ ADPC shall disclose a verified positive test result only to the Director, Office of Personnel.

### **G. Release of Negative Test Results**

1. Employees whose random, voluntary, or follow-up drug test results are negative *will* routinely receive notification of the results in an "Addressee Only" envelope at the office without the need to submit a prior written request for such information. Such notification will be provided by the HQ ADPC.
2. For reasonable suspicion and post-accident testing, the HQ ADPC will be notified of the results by the MRO. The HQ ADPC will then notify the appropriate management officials and ensure the employee is informed.
3. In the case of applicants, the appropriate Office of Personnel (OP) Satellite/Regional Personnel Officer or REG ADPC will be verbally notified of the results by the HQ ADPC.

### **H. Records Maintenance and Retention**

1. All random test lists generated by SEC for HQS and each Region (see Chapter II Random Testing, Section I.A., "Employee Identification") shall be clearly annotated, dated, signed, and forwarded through the HQ ADPC or designee. The official list (i.e., the list on which every name has been clearly annotated in order to ensure a complete record of all actions) shall be signed and dated by the Regional ADPCs and returned to the HQ ADPC as soon as possible after the collection is completed by a method approved by SEC. The HQ ADPC shall maintain all donor lists in such a manner as to prevent unauthorized access to information contained therein. *No test lists* or other related information will be retained other than by the HQ ADPC.
2. Records resulting from the testing of employees for use of illegal drugs (e.g., chain of custody forms, negative test results, confirmed positive test results, medical records made available to the MRO by the tested individual, and MRO verification statement (see Chapter VII, Medical Review Officer Procedures, Section II. B. 11., "Review")) shall be retained and filed in the Nuclear Regulatory Commission (NRC) system of records under the Privacy Act entitled "Drug Testing Program Records" (NRC 35).
3. Records resulting from the testing for illegal drugs of persons who have applied to NRC for Federal employment positions in NRC for which testing for illegal drugs is required, shall be retained and filed in NRC's system of records under the Privacy Act entitled "Drug Testing Program Records" (NRC 35).

### **I. Split Urine Specimen Collections**

NRC received approval from the Department of Health and Human Services to conduct split urine specimen collections. Each specimen collected (provided a sufficient volume of urine has been provided) will be split into two portions. One portion of each specimen will be sent to a primary laboratory for initial and confirmatory testing. The second portion will be sent to another laboratory which will temporarily store this portion of the specimen. If the first portion tests positive (initial and confirmatory), the MRO will receive and evaluate the result and determine whether the second portion needs to be tested. If tested, the result from the second portion will also be sent to the MRO.

The details of split urine specimen collection are described in Chapter II, "Random Testing."

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## CHAPTER II. RANDOM TESTING

### I. Procedures Prior to Actual Collection

#### A. Employee Identification

1. The HQ ADPC shall generate random test lists for Headquarters and each Region identifying all employees selected for random drug testing and all employees selected as alternates for random testing. Under no circumstances will an employee not on the list be randomly tested. The lists will contain the following information for each employee selected:
  - Name of employee;
  - Title;
  - Testing Group (TG);
  - Office;
  - Social security number;
  - Gender;
  - Bargaining unit/non-bargaining unit code
  - Age; and
  - Date of Birth (DOB).
2. The lists shall be sorted by testing group (HQs and Regions) and contain the name and phone number of the appropriate ADPC.

#### B. Contractor Notification and Collection Scheduling

1. The HQ ADPC shall notify the collection contractor as to the locations and number of employees to be tested.
2. The HQ ADPC shall provide the name and mailing address for the appropriate MRO.
3. The contractor shall submit to the HQ ADPC a proposed collection schedule.
4. The HQ ADPC shall approve or otherwise modify the collector's proposed schedule.
5. Immediately prior to each collection, the ADPC shall provide the collector with a list of employees selected for testing.
6. Prior to arrival at the collection site, the HQ ADPC shall confirm with the contractor the specific site(s) where testing is to be conducted and that all necessary arrangements have been made.

#### C. Union Notification

1. The Union shall be contacted and provided the opportunity to have one steward present at Headquarters and Regional collection sites during the time bargaining unit employees are providing urine specimens. The opportunity does not apply to the Technical Training Center, the Uranium Recovery Field Office or any remote site.
2. The Union Steward shall not be allowed access to any secured collection and/or storage area.

3. Unavailability of a Union Steward shall not delay or forestall the collection of a urine specimen from any bargaining unit employee.

**D. Region/Site Notification**

1. Immediately prior to each collection the HQ ADPC shall provide the Regional ADPCs and site coordinators with a list of employees selected for testing.
2. On the day that drug testing is scheduled to be conducted, the ADPC shall notify the appropriate management official located at the specific site (e.g., EDO or Regional Administrator).
3. Checklists are provided for EDO and Regional Administrators, as well as ADPCs and site coordinators.

**E. Supervisor Notification:**

1. The ADPC/SC shall simultaneously, or as close thereto as possible, notify the selected employees' first level supervisors approximately 2 hours prior to the actual collection. All scheduling shall be arranged in close coordination with the collector.
2. In situations where the first level supervisor is unavailable, the acting supervisor or the next higher manager's official in the employee's chain of command shall be contacted.
3. The ADPC/SC shall provide the supervisor with a supervisor's checklist and any information to be conveyed to the employee. (See Section I.F., "Employee Notification.")
4. The ADPC/SC shall annotate the test list when a supervisor has been contacted. Supervisors who excuse an employee from testing shall be identified on the test list.

**F. Employee Notification**

1. Normally, approximately 2 hours prior to the actual collection, the supervisor shall verbally and privately inform the employee that he/she has been identified through a random selection process for drug testing by urinalysis. The employee shall be clearly informed in writing by completing a "Notice To Appear for Random Drug Test" form as to the time and exact location to report for testing and instructed to take appropriate photo identification, such as an NRC photo badge or driver's license with photo.
2. Supervisors shall maintain a copy of the completed Notice until close of business the following workday.
3. Employees tested at Headquarters shall return the original or a copy of the completed "Notice To Appear for Random Drug Test" form to the collector or to the available designated SEC representative upon arrival at the collection site. Employees tested at any of the Regions or remote site locations shall return the original or a copy of the completed "Notice To Appear for Random Drug Test" form to the REG ADPC/SC or designated backup, and he/she shall in turn forward them to the HQ ADPC.
4. Every effort shall be made by the supervisor to personally provide the above information to the employee to avoid any misunderstandings. In addition, a copy of "Random Drug Testing Checklist for Employees" will be given to each employee designated for random testing.
5. The supervisor shall be knowledgeable about the drug testing program and able to refer employees with questions to the proper NRC drug testing officials (e.g., ADPC).
6. The supervisor shall immediately report to the ADPC/SC any problem encountered during employee notification. These problems shall be recorded on the test list by the ADPC/SC. The ADPC/SC shall



assume the employee has received proper notification in the absence of any such call from the supervisor.

### **G. Unavailability of Employee**

When an employee selected for random testing is unavailable for legitimate reasons (e.g., working different shift, travel, prior approved leave), the ADPC/SC shall annotate the list indicating the specific reason and the name of the supervisor who provided the information. If the employee is at work, the employee should only be excused from random testing on the day he/she was selected if extreme or emergency conditions exist or occur (e.g., verifiable emergency family or medical situation arises before specimen collection appointment).

The scheduling of specimen collection appointments on testing day will allow some flexibility if extenuating work assignments (e.g., principal speaker at a Commission meeting) require a postponement of the appointment schedule (e.g., from a.m. to p.m.). This limited change in schedule must be coordinated between the supervisor and the ADPC/SC.

### **H. Test Lists**

The official test list shall be annotated, signed, dated, and returned by the ADPC to the HQ ADPC. Any copies of the list or related information which may have been made will also be returned to the HQ ADPC by the ADPC. Any list of names supplied to the collector shall be returned to and destroyed by the ADPC.

## **II. Procedures During Collection**

### **A. Standard Collection Procedures (Unobserved)**

To ensure that chain of custody and specimen control are maintained, the collection contractor shall follow the procedures as specified below.

1. The collection contractor shall adhere strictly to the schedule. Inability to adhere to the schedule shall be reported immediately to the appropriate ADPC/SC.
2. Upon employee's arrival at the collection site, the collector shall request the individual to present appropriate photo identification, such as an NRC photo badge or driver's license with photo. If the individual does not have proper identification, this shall be noted on the chain of custody form. The collector shall notify the ADPC/SC to obtain guidance on action to be taken. The ADPC/SC shall then contact the employee's supervisor to confirm identification of the individual.
3. The collector shall require the individual to remove any unnecessary outer garments (e.g., coat, jacket) that might conceal items or substances that could be used to tamper with or adulterate the urine specimen. Also, all personal belongings (e.g., purse, briefcase) must remain with outer garments, the individual may, however, retain his/her wallet. The collector shall note any unusual behavior or appearance on the chain of custody form.
4. The individual shall be instructed to wash and dry his/her hands prior to urination. After washing hands, he/she shall remain in the presence of the collector and not have access to water fountains, faucets, soap dispensers, cleaning agents, or any other materials which could be used to adulterate the specimen.
5. To deter the dilution of specimens at the collection site, toilet blueing agents shall be placed in the toilet bowl for each collection, so the water in the toilet bowl always remains blue. There should not be any other source of water (e.g., shower, sink, etc.) in the enclosure where urination occurs.

6. The specimen may be provided in the privacy of a stall or otherwise partitioned area that allows for individual privacy. The collector actually involved in the taking of the urine specimen shall be of the same gender as the individual providing the specimen. The collector shall note on the chain of custody form any unusual behavior.
7. The individual shall be asked to urinate into a disposable specimen container and not flush the toilet until the specimen has been handed over to the collector. The individual may then flush the toilet and observe the collector complete the chain of custody procedure. A collection container with a wider mouth may be used to collect the specimen. The specimen is then transferred by the collector to the specimen bottles. Any transfer from the collection container to the specimen bottles will be observed by the donor.
8. If a rest room with stalls is used, the collector shall stand outside the stall door.
9. After the specimen has been provided and submitted to the collector, the individual should be allowed to wash his/her hands.
10. Upon receiving the specimen from the individual, the collector shall determine if it contains at least 90 milliliters of urine. If at least 90 ml. are provided, the specimen will be transferred to two specimen or shipping bottles. At least 60 ml. in one bottle must be sent to the primary testing laboratory. The remaining 30 ml. will be sent to the secondary laboratory for temporary storage and later testing if necessary. If there is not sufficient urine in the container, its temperature shall be recorded and the individual shall be asked to remain in the immediate area of the collection activity and asked to drink fluids to facilitate urination. (See Section I.E., "Failure of Employee to Provide Specimen.") The temperature of a second partial specimen will also be recorded. The partial specimens will then be combined before being separated into the two shipping bottles. The chain of custody form will be annotated to reflect the temperatures of both partial specimens.
11. *Immediately* after collection, the collector shall measure the temperature of the specimen and conduct an inspection to determine the color and signs of contaminants. Any unusual findings resulting from the inspection shall be noted on the chain of custody form. The time from urination to delivery of the sample for temperature measurement is critical and in no case shall exceed 4 minutes. The individual giving the specimen will be asked to observe the reading of the temperature and the recording of that reading on the chain of custody form. If the temperature of the specimen is outside the range of 32.5-37.7°C/ 90.5-99.8°F, the collector will offer to take an oral temperature. If the temperature of the specimen is inconsistent with the oral temperature, this gives reason to believe the specimen has been tampered with. After consultation with and approval by the HQ ADPC, another specimen shall be collected under direct observation and both specimens forwarded to the laboratory. Any specimen suspected to be adulterated shall always be forwarded for testing. (See Section II.B., "Direct Observation Collection Procedures.")
12. Both the individual being tested and the collector should keep the specimen in view at all times. The collector shall request the individual to observe the transfer of the specimen and the placement of the tamper-proof seals over the bottle caps and down the sides of the bottles.
13. The individual shall date and initial the seals on the specimen bottles, using initials corresponding with his or her name shown on the chain of custody form.
14. The individual shall be asked to read and sign a certification statement on the chain of custody form certifying that the urine in the bottles came from his/her body at the time of collection. Refusal to sign this statement shall be noted on the form by the collector.
15. At the end of each collection day, the collector shall review all chain of custody forms for the collection process and assure that all portions of the form have been properly completed. The collector at the Headquarters location shall return completed "Notice To Appear for Random Drug Test" forms to the available designated SEC representative.

16. The specimens and chain of custody forms are now ready for shipment to the NRC contractor laboratories. A copy of the chain of custody forms shall be forwarded to the appropriate MRO and a copy to the HQ ADPC immediately after collection by first class express mail or other method approved by SEC. If the specimen is not immediately prepared for shipment, it shall be appropriately secured during temporary storage. In no instance shall the specimen be stored longer than 24 hours after collection.

### B. Direct Observation Collection Procedures

1. Collection under direct observation shall not be made by the collector except with proper NRC authorization from the HQ ADPC.
2. Collection of urine specimens shall not be made under direct observation except in unusual circumstances. These exceptions may occur when facts and circumstances provide a reasonable basis to conclude that the person to be tested:
  - a. is an illegal drug user;
  - b. is under the influence of drugs at the time of the test;
  - c. has previously been confirmed by the agency to be an illegal drug user;
  - d. is seen to have equipment or implements used to tamper with urine samples;
  - e. has recently been determined to have tampered with a sample; and/or
  - f. has just given a specimen, and the temperature measurement indicates possible tampering/adulteration/substitution.

### 3. Procedures

Except as follows, the collector shall follow "Standard Collection Procedures (Unobserved)," outlined in Section II.A.

- a. The collector shall inform the employee that collection will be done under direct observation.
- b. Only the employee and collector shall be in the toilet area when the collection is made.
- c. The collector, who shall be of the same gender as the employee, will serve as the observer.
- d. The collector/observer shall position himself/herself in such a manner during collection so that he/she can be certain that the specimen passed directly from the employee's body into the specimen container.
- e. The direct observation of the collection of a urine specimen is highly confidential, and no information shall be released concerning the observation other than the fact that it was performed.
- f. The collector shall document the chain of custody form to indicate the sample was collected under direct observation.
- g. All procedures shall be conducted in a professional, detached, objective manner.

### C. Failure of Employee to Report to Collection Site

1. If the employee fails to appear for a scheduled collection, the collector shall immediately notify the ADPC/SC who in turn shall immediately contact the employee's supervisor.

2. The supervisor shall initiate appropriate action in accordance with advice and assistance from the labor relations staff.

**D. Employee Refusal to Provide Specimen at the Collection Site**

In the event an employee refuses to provide a specimen, the following procedures shall apply.

1. The employee shall be informed by the collector that:
  - a. the ADPC/SC will be contacted; and
  - b. he/she is to report back to the work site supervisor and await further instructions.
2. The collector shall immediately notify the ADPC/SC and document the refusal in writing on the chain of custody form.
3. The ADPC/SC shall contact the employee's supervisor. The supervisor shall initiate action in accordance with advice and assistance from the labor relations staff.
4. The ADPC/SC shall immediately advise the HQ ADPC of the refusal and furnish pertinent details.

**E. Failure of Employee to Provide Specimen**

If the employee fails to provide a sufficient quantity of urine, at least 90 milliliters, the following procedures shall apply.

1. Employees will be given a reasonable period of time to provide a specimen. The employee will be requested to remain in the collection area for up to one hour.
2. Employees shall be asked to drink fluids to facilitate urination.
3. If at the end of the waiting period the individual still cannot provide a specimen of sufficient quantity, the employee will be given the option of (1) waiting longer to provide additional urine or (2) choosing to forego providing additional urine and have his/her specimen sent only to the primary laboratory. This second option requires a written waiver.
4. If additional urine can be provided, its temperature shall be taken before being combined with the original specimen he/she provided.
5. If the employee fails to provide at least 60 milliliters after being given a reasonable time to provide a specimen and allowed to drink fluids, this inability shall be recorded on the chain of custody form. The HQ ADPC shall be notified and a determination shall be made if there is sufficient quantity of urine available for testing.
6. The MRO, upon receipt of any information regarding an inability to provide a urine specimen shall contact the employee for any medical justification that may exist to explain why the employee failed to provide a specimen. If the MRO believes the employee's justification is medically acceptable, no further action shall be taken against the employee. If the MRO believes there is no medical basis for the failure to provide a specimen, he/she shall notify the HQ ADPC.
7. The HQ ADPC shall contact the employee's supervisor. The supervisor shall initiate appropriate action in accordance with advice and assistance from the labor relations staff.

**F. Tampering/Adulteration/Substitution of Urine Samples**

1. Should the collector, in his/her professional judgment, believe the employee has tampered/adulterated/substituted his/her sample, the collector shall:

- a. request the employee to remain at the collection site, preferably in the presence of a second collector;
  - b. immediately contact the ADPC/SC to detail the reasons for this belief; and then,
  - c. document these reasons in writing before proceeding further.
2. The ADPC shall take the following action.
- a. Contact the HQs ADPC who shall, after consultation with the DPC and OGC, authorize the collection of a second specimen under direct observation if the circumstances clearly warrant.
  - b. Document the collector's phone call, reasons for requesting observation, and final decision, including rationale for this decision.
  - c. When appropriate, the ADPC shall contact the employee's supervisor. The supervisor shall initiate appropriate disciplinary action in accordance with advice and assistance from the labor relations staff.



### III. CHECKLISTS, NOTICE AND WAIVER FORM

#### A. RANDOM DRUG TESTING CHECKLIST FOR THE EXECUTIVE DIRECTOR FOR OPERATIONS AND REGIONAL ADMINISTRATORS

Some employees located in Headquarters (HQs) or your Region have been identified for random testing by urinalysis. Please be assured that the selection of these employees in no way reflects that NRC has cause to suspect use of illegal drugs in HQs or your Region. The process by which these employees were selected uses a computer program to select on a random basis, employees within HQs or your Region to be tested. The number of employees selected for drug testing in HQs or your Region is predetermined by percentage of the testing pool. Please read the information provided to familiarize yourself with the collection process. If you have previously experienced testing within your facility or area and are already familiar with the process, review the information so that you might provide advice to others who need assistance.

The Director, Division of Security is the NRC Headquarters Assistant Drug Program Coordinator (HQ ADPC).

In a Region, the Director, Division of Resource Management and Administration is the Regional Assistant Drug Program Coordinator (REG ADPC).

Individuals designated by NRC management will serve as Site Coordinators (SC) where necessary (e.g., Denver or Chattanooga).

1. When random drug testing is scheduled to be conducted, the HQ ADPC will notify the REG ADPC/SC on the morning of testing.
2. The HQ ADPC will provide the official test list to the REG ADPC/SC. Under no circumstances will any employee not identified on this list be tested. (NOTE: The test list contains the maximum number of employees who could be tested that day. Some employees will not be available for testing for legitimate reasons such as shift work, training, prior approved leave, etc. and alternates will have to be tested. Tests are scheduled over a period of time, so that no more than two or three employees should be absent from the work site at any given time. If a situation should occur where work operations would be seriously affected, alert the HQ ADPC immediately.)
3. Checklists for Assistant Drug Program Coordinators/Site Coordinators, supervisors and for employees should be provided to the appropriate individuals.
4. All tests will be conducted under circumstances that assure the employee's privacy and dignity. Information relating to the test lists, e.g., names of employees or number of employees tested, must be kept confidential and not shared with anyone.
5. Immediately report any problems encountered during the collection process to the attention of the HQ ADPC. If you have any questions, call the HQ ADPC on FTS 492-4100.

**B. RANDOM DRUG TESTING CHECKLIST  
FOR ASSISTANT DRUG PROGRAM COORDINATORS  
AND SITE COORDINATORS**

To ensure confidentiality of the random test list, the Headquarters Assistant Drug Program Coordinator (HQ ADPC) on the actual date that random drug testing is scheduled to be conducted provides the testing list to the Regional Assistant Drug Program Coordinators (REG ADPC) and Site Coordinators (SC).

1. The official test list must be kept confidential. Under no circumstances will any employee not identified on this list be tested. (NOTE: The test list contains the maximum number of employees who could be tested that day. Some employees will not be available for testing for legitimate reasons such as shift work, training, prior approved leave, etc. Tests are scheduled over a period of time, so that no more than two or three employees should be absent from the work site at any given time. If a situation should occur where work operations would be seriously affected, alert the HQ ADPC immediately.)
2. The HQ ADPC will inform the collector of the appropriate contacts (e.g., REG ADPC/SC).
3. Contact employee's supervisor approximately 2 hours prior to the actual collection. Annotate test list to include: name of supervisor; reason for any legitimate deletions from the list, e.g., working different shift, travel, prior approved leave (note supervisory official who provided deletion information), and collection date. Advise supervisor to notify employee. Supervisor must clearly inform employee of exact time, where to report and to take appropriate photo identification.
4. Employees should normally be scheduled to report to the collection site at 20 minute intervals.
5. If an employee is unable to provide a sufficient quantity of urine, he/she will be given a reasonable period of time to provide a specimen. The employee will be requested to remain in the collection area for up to one hour. If at the end of the waiting period the employee still cannot provide a specimen, he/she will be given the option of (1) waiting longer to provide additional urine or (2) choosing to forego providing additional urine and have his/her specimen sent only to the primary laboratory. The second option requires a written waiver that may be obtained from the ADPC/SC.
6. Upon notification from the collector, verify that every name on the list appeared for collection. Sign, date and immediately return the list to the HQ ADPC.
7. Keep all information relating to the test list, e.g., names of employees, number of employees tested, confidential and do not share with anyone. *No test lists* or other related information will be retained other than by the HQ ADPC.
8. Immediately report any problems encountered during the collection process to the attention of the HQ ADPC. Any problem encountered during the employee notification process shall be recorded on the official test list.
9. Forward all completed "Notice To Appear for Random Drug Test" forms to the HQ ADPC in an "addressee only" envelope.

### C. RANDOM DRUG TESTING CHECKLIST FOR SUPERVISORS

On the actual date that random drug testing is scheduled to be conducted, your Assistant Drug Program Coordinator (ADPC) or Site Coordinator (SC) will notify you which of your employees have been selected for drug testing and the proposed schedule. This information is confidential. The following procedures should be followed in notifying employees of the collection process.

1. Approximately 2 hours prior to the actual collection, inform the employee verbally, and privately, that he/she has been identified through a random selection process for drug testing by urinalysis. Clearly inform the employee in writing by completing the "Notice To Appear for Random Drug Test" form as to the time and where to report, including specific address and directions to report for testing and instruct him/her to take appropriate photo identification, such as NRC photo badge or driver's license with photo. Supervisors shall maintain a copy of the completed Notice until close of business the following workday.
2. Employees normally will be scheduled to report to the collection site at 20 minute intervals. Coordinate any scheduling changes necessary to maintain work operations closely with the ADPC/SC. Do not make any unilateral changes.
3. In no instance will an employee not identified on the official test list, maintained by the ADPC/SC during collection, be tested.
4. The collection will be performed by professionally trained NRC or Government contractor personnel, who will ensure the process is properly administered. Advise employees to be prepared to provide a urine specimen at the scheduled collection time.
5. Provide the "Random Drug Testing Checklist for Employees," which provides helpful information about the collection process, to scheduled employees.
6. When an employee selected for random testing is unavailable for legitimate reasons (e.g., working different shift, travel, prior approved leave, or employee is at work but an emergency condition exists), you *must* inform the ADPC/SC who will annotate the random test list by indicating the reason for any employee deletion from the list. Once a person has been notified of testing, only those verifiable leave requests for family or medical emergencies submitted by employees for the testing day should be considered.
7. Immediately report any problems encountered during employee notification to the ADPC/SC. Employees who fail to cooperate with the collection procedures will be subject to disciplinary actions consistent with NRC regulations. (You must obtain guidance from the labor relations staff in these instances.)
8. If an employee is unable to provide a sufficient volume of urine he/she will be invited to get something to drink and to wait in the immediate area of the collection activity for up to one hour. After one hour, if he/she is still unable to provide a sufficient volume of urine, he/she will be given the option of (1) waiting longer to provide additional urine or (2) choosing to forego providing additional urine and have his/her specimen sent only to the primary laboratory. The second option requires a written waiver that may be obtained from the ADPC/SC.
9. If you have any questions or concerns, you should share them with your ADPC/SC.



#### D. RANDOM DRUG TESTING CHECKLIST FOR EMPLOYEES

You will be participating in NRC's Drug Free Federal Workplace Plan designed to support Executive Order 12564 for a drug free Federal work force. You have been identified through a random selection process for drug testing by urinalysis. The five drugs or classes of drugs that your specimen will be tested for include: (1) marijuana metabolites, (2) cocaine metabolites, (3) opiate metabolites, (4) phencyclidine, and (5) amphetamines. Please be assured that your selection and the selection of other employees for such drug testing in no way reflects that NRC has any specific cause to suspect the use of illegal drugs. The process by which you have been selected uses a computer program to select, on a random basis, individuals to be tested. The number of individuals selected for drug testing is predetermined by percentage of the testing pool.

Refusal to submit to testing when notified or failure to cooperate with the collection procedures will be grounds for disciplinary action, including, in appropriate cases, removal from the Federal service.

The following checklist items have been developed to ensure that uniform and accurate collection procedures are followed with each individual participating in the program.

1. Please arrive at the collection site on time. Collection personnel are required to contact an NRC representative for guidance if you do not appear at the assigned time.
2. Collection site personnel will ask you to verify your social security number and provide appropriate photo identification, such as an NRC photo badge or driver's license with photo. Again, collection personnel are required to contact an NRC representative for guidance if proper identification is not obtained. You will be asked to verify your social security number and provide your initials/signature at several stages throughout the collection process. These precautions are for your protection and will help ensure that all specimens are labeled correctly.
3. Collection site procedures will be explained by a technician of the same gender as yourself. Personnel will also be available to answer any questions you might have or you will be referred to the appropriate NRC representative.
4. You will be asked to remove outer garments such as overcoats and suit jackets. You may not take a carrying bag into the collection room, but you may take your wallet with you.
5. Your technician will provide you with a sample collection container and instructions.
6. You must wash and dry your hands before providing the sample.
7. Unless otherwise directed by NRC, you will provide your sample within the privacy of the collection room or otherwise partitioned area such as a stall.
8. Do not flush the toilet until you have handed the specimen to the collector.
9. Under NRC's split sample collection procedures it will be necessary for you to provide a sufficient volume of urine so that your specimen can be split into two portions. One portion will be sent to NRC's primary laboratory and the second portion will be sent to NRC's second laboratory for temporary storage and possible confirmatory testing if necessary.
10. You will give the collection container to the technician who will check the temperature and general appearance of the sample. The temperature must be taken within four minutes of collection and be in an acceptable range of 32.5-37.7°C/90.5-99.8°F. If the temperature is outside the acceptable range, the collector will offer to take an oral temperature.
11. The technician will allow you to list any medication you desire to disclose in the space provided on the Medical Review Officer copy of the chain of custody form. You will then be asked to sign and date the chain of custody form in the space provided.

12. The technician will transfer the specimen to two shipping bottles. The technician will tighten the bottle caps and place the security/bottle custody seals over the caps and down the sides of the bottles. You should then initial and date the seals confirming that it is your sample in the bottles and that the specimen identification number is correct. The technician will place the preprinted bar code label on the bottle to be sent to NRC's primary laboratory. You must observe this process continuously.
13. If you do not provide a sufficient volume of urine, you will be invited to get something to drink and to wait in the immediate area of the collection activity for up to one hour. If additional urine can be provided, its temperature will be taken before being combined with the original sample you provided. Once combined, this sample will now be prepared for shipment in accordance with item 12.
14. After one hour, if you are still unable to provide a sufficient volume of urine, you will be given the option of (1) waiting longer to provide additional urine or (2) choosing to forego providing additional urine and have your specimen sent only to the primary laboratory. This second option requires a written waiver. A minimum of 50 ml. is required in all cases.
15. If the collection technician has reason to believe that the urine specimen has been tampered, altered or substituted he/she will notify the appropriate NRC representative. Should you tamper, adulterate or in any other manner attempt to alter the specimen, the technician will request authorization from the appropriate NRC representative to collect a second specimen of sufficient volume under direct observation by a same gender collection site individual. Both specimens will be sent to the laboratory for analysis.
16. You may wash your hands after providing your specimen.
17. The collection technician may use the space provided on the first page of the chain of custody form for remarks concerning the collection (e.g., oral temperature had to be taken).
18. You will be asked to read and sign a statement on the chain of custody form certifying that the specimen came from your body.
19. The technician will then give you your copy of the completed chain of custody form.
20. If you have any concerns or questions about the collection process, you should immediately bring them to the attention of your supervisor or ADPC/SC.
21. You will be notified in writing of your negative or positive test result as soon as it becomes available.

Thank you for your cooperation and participation in this important program.

**E. NOTICE TO APPEAR FOR RANDOM DRUG TEST**

You are hereby notified that you have been selected for random drug testing and your random urine specimen collection appointment is scheduled today at \_\_\_\_\_ a.m./p.m. You will be in an official duty status for this activity including travel to and return from the collection site, and no personal leave need be taken. Report to \_\_\_\_\_

Be sure you have a random drug testing program checklist and that you take appropriate photo identification such as NRC photo badge or driver's license with photo. If you have any questions, check with your supervisor or call your HQs Assistant Drug Program Coordinator at 492-4100.

I received an original copy of these directions from \_\_\_\_\_  
(Printed Name of Supervisor)

on \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.  
(Date) (Time)

\_\_\_\_\_  
Printed Name of Employee

\_\_\_\_\_  
Supervisor's Signature

\_\_\_\_\_  
Employee's Signature

**F. SPLIT URINE SPECIMEN WAIVER**

I, \_\_\_\_\_, hereby choose to forego providing additional urine, in excess of 60 ml., to be sent to NRC's secondary laboratory for temporary storage and possible confirmatory testing, if necessary. I understand that the specimen I have provided will be sent to NRC's primary laboratory for both initial screening and confirmatory testing. If both the initial screening and confirmatory test are positive, the result will be sent to NRC's Medical Review Officer (MRO) for evaluation. If the MRO cannot justify the positive result (e.g., determine that there was a legitimate use of a controlled substance), the MRO may direct that a portion of my single original specimen be sent to the secondary laboratory for a second confirmatory test.

\_\_\_\_\_  
Printed Name of Donor, Date, Time

\_\_\_\_\_  
Donor's Signature

\_\_\_\_\_  
Printed Name of Witness

\_\_\_\_\_  
Witness' Signature

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## CHAPTER III. REASONABLE SUSPICION TESTING

### I. Procedures Prior To Actual Collection

#### A. Management Determination of Reasonable Suspicion

1. Reasonable suspicion testing is authorized when management believes an employee is using illegal drugs. This belief must be based on specific objective facts and reasonable inferences drawn from these facts in the light of experience. Reasonable suspicion does not require certainty; however, mere "hunches" are not sufficient to meet this standard. Reasonable suspicion testing will be ordered only by an Office Director/Regional Administrator or above after concurrence by legal counsel.
2. For purposes of this type of testing, reasonable suspicion that an employee uses illegal drugs may be based upon, among other things:
  - a. observable phenomena, such as direct observation of drug use and/or the physical symptoms of being under the influence of a drug;
  - b. a pattern of abnormal conduct or erratic behavior;
  - c. arrest or conviction for a drug-related offense; or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use or trafficking;
  - d. information provided either by reliable and credible sources or information gained, for example, by anonymous tips which are independently corroborated;
  - e. reliable evidence that the employee has tampered with a previous drug test; and/or
  - f. has just given a specimen, and the temperature measurement indicates possible tampering/adulteration/substitution.
3. Each incidence of reasonable suspicion testing must be concurred with by appropriate legal counsel prior to testing.

#### B. Documentation

Documentation developed describing the circumstances which formed the basis for conducting reasonable suspicion testing shall be retained in files maintained by the HQ ADPC or other systems of records, as appropriate.

#### C. Contractor Notification

1. The HQ ADPC shall notify the contractor immediately when a determination is made by management to conduct reasonable suspicion testing. The notification shall include the following data:
  - Name of employee;
  - Title;
  - Social security number;
  - Gender; and
  - Duty location/facility address.
2. The contractor shall respond as expeditiously as possible after notification by the HQ ADPC and in accordance with contractual agreements. Requests for reasonable suspicion testing may occur at any



time or day of the week and at any location. An approximate time of arrival at the agreed upon collection site shall be given to the HQ ADPC.

3. The contractor shall contact the ADPC/SC or appropriate management official immediately upon arrival to confirm the place and time of collection.

#### **D. NRC Drug Program Coordinator Notification**

1. Concurrent with contractor notification, the HQ ADPC shall verbally notify the DPC that reasonable suspicion testing procedures have been implemented. If such procedures are implemented outside of the NRC's normal business hours, this notification shall be made to the DPC within 4 hours of the first normal NRC workday.

#### **E. Supervisor Notification**

1. The HQ ADPC shall notify by telephone the employee's immediate supervisor or, in his/her absence, the acting supervisor or the next higher management official that reasonable suspicion collection procedures have been initiated.
2. The HQ ADPC shall provide the supervisor with the estimated time and location of collection and any necessary information to be conveyed to the employee.

#### **F. Employee Notification**

1. The supervisor or management official shall provide the employee with specific written notice that he/she is being tested for reasonable suspicion and instruct the employee to take appropriate photo identification, such as an NRC photo badge or driver's license with photo. A sample memorandum and notice is provided at the end of this chapter. The following information shall be included in the memorandum or notice:
  - a. the reasons for the urinalysis test; and that it is consistent with NRC policy;
  - b. assurance that the quality of testing procedures is tightly controlled, that the test used to confirm use of illegal drugs is highly reliable, and that test results will be handled with maximum respect for individual confidentiality, consistent with safety and security;
  - c. notice of the opportunity and procedures for submitting supplemental medical documentation that may support a legitimate use for a specific drug;
  - d. the consequences of a confirmed positive test result or refusal to be tested, including disciplinary action;
  - e. the class of drugs tested for;
  - f. the availability of professional drug abuse counseling by certified addiction counselors and referral services, including the name and telephone number of the local Employee Assistance Program (EAP) coordinator;
  - g. the date, time and location for the test;
  - h. that the sample will be collected under direct observation;
  - i. that the individual, if a member of the bargaining unit, may consult with the Union after the test is administered;
  - j. that the individual is on duty status during the collection process including travel to and return from the collection site; and

- k. that the individual is directed to bring the employee's collection checklist and appropriate photo identification, such as NRC photo badge or driver's license with photo, to the collection site.
2. The supervisor shall be knowledgeable about the drug testing program and able to refer employees with questions to the proper NRC drug testing officials (e.g., ADPC).
3. The supervisor shall immediately report to the HQ ADPC, by telephone, any problem encountered during employee notification that would preclude testing. The HQ ADPC shall assume the employee has received proper written notification in the absence of any such call from the supervisor.

## II. Procedures During Collection

### A. Direct Observation Collection Procedures

To ensure the chain of custody and specimen control are maintained, the collection contractor shall follow "Direct Observation Collection Procedures" as follows when directed by the HQ ADPC.

1. Upon employee's arrival at the collection site, the collector shall request the individual to present appropriate photo identification, such as an NRC photo badge or driver's license with photo. If the individual does not have proper identification, this shall be noted on the chain of custody form. The collector shall notify the HQ ADPC immediately to obtain guidance on action to be taken. The HQ ADPC shall then contact the employee's immediate supervisor to confirm identification of the individual.
2. The collector shall complete the chain of custody form which serves as an identification document for the urine sample collected.
3. The collector shall inform the employee that collection will be done under direct observation.
4. Only the employee and collector shall be in the toilet area when the collection is made.
5. The collector, who shall be of the same gender as the employee, will serve as the observer.
6. The collector shall require the individual to remove any unnecessary outer garments (e.g., coat, jacket) that might conceal items or substances that could be used to tamper with or adulterate his/her urine specimen. Also, all personal belongings (e.g., purse, briefcase) must remain with outer garments, the individual may, however, retain his/her wallet. The collector shall note any unusual behavior or appearance on the chain of custody form.
7. The individual shall be instructed to wash and dry his/her hands prior to urination. After washing hands, the donor shall remain in the presence of the collector and not have access to water fountains, faucets, soap dispensers, cleaning agents or any other materials which could be used to adulterate the specimen.
8. To deter the dilution of specimens at the collection site, toilet bluing agents shall be placed in the toilet bowl. There should not be any other source of water (e.g., shower, sink, etc.) in the enclosure where urination occurs.
9. The collector shall position himself/herself in such a manner during collection so that he/she can be certain that the specimen passed directly from the employee's body into the specimen container.
10. The individual shall be asked to urinate into a disposable specimen container and not flush the toilet until the specimen has been handed over to the collector. The individual may then flush the toilet and observe the collector complete the processing procedure. A disposable collection container with a wider mouth may be used to collect the specimen. The specimen is then transferred by the collector to the specimen bottles. Any transfer of urine from the collection container to the specimen bottles will be observed by the donor.

11. The direct observation of the collection of a urine specimen is highly confidential, and no information shall be released concerning the observation other than the fact that it was performed.
12. Upon receiving the specimen from the individual, the collector shall determine that it contains at least 90 milliliters of urine. If at least 90 ml. are provided, the specimen will be transferred to two specimen or shipping bottles. At least 60 ml. in one bottle must be sent to the primary testing laboratory. The remaining 30 ml. will be sent to the secondary laboratory for temporary storage and later testing if necessary. If there is not sufficient urine in the container, another sample should be collected and the two should be combined after the temperature of each partial sample has been taken and recorded on the chain of custody form. The individual shall be asked to remain in the immediate area of the collection activity and to drink fluids to facilitate urination. (See Chapter II, Section II, E., "Failure of Employee to Provide Specimen.")
13. After the specimen has been submitted to the collector, the individual should be allowed to wash his/her hands.
14. *Immediately* after collection, the collector shall measure the temperature of the specimen and conduct an inspection to determine the color and signs of contaminants. Any unusual findings resulting from the inspection shall be noted on the chain of custody form. The time from urination to delivery of the sample for temperature measurement is critical and in no case shall exceed four minutes. The individual giving the specimen will be asked to observe the reading of the temperature and will then be asked to initial in the proper block on the form. If the temperature of the specimen is outside the range of 32.5-37.7°C/90.5-99.8°F, the collector will offer to take an oral temperature. If the temperature of the specimen is inconsistent with the oral temperature, this gives reason to believe the specimen has been tampered with. Another specimen shall be collected, again under direct observation, and both specimens forwarded to the laboratory. Any specimen suspected to be adulterated shall always be forwarded for testing.
15. Both the individual being tested and the collector should keep the specimen in view at all times. The collector shall request the individual to observe the transfer of the specimen and the placement of the tamperproof seals over the bottle caps and down the sides of the bottles.
16. The individual shall date and initial the seals on the specimen bottles, using initials corresponding with the name on the chain of custody form.
17. The individual shall be asked to read and sign a certification statement on the chain of custody form certifying that the urine in the bottles came from his/her body at the time of collection. Refusal to sign this statement shall be noted on the form by the collector.
18. The collector shall complete the chain of custody form for the collection process; taking care to ensure the form is annotated to indicate "reasonable suspicion" testing conducted under direct observation.
19. All procedures shall be conducted in a professional, detached objective manner.
20. The specimen and chain of custody forms are now ready for shipment to the NRC contractor laboratories. A copy of the chain of custody form shall be forwarded to the HQ ADPC. Reasonable suspicion specimens shall be shipped, in all cases, to the testing laboratories the same day of collection.

#### **B. Failure of Employee to Report to Collection Site**

1. If the employee fails to appear for a scheduled collection, the collector shall immediately notify the HQ ADPC by telephone who in turn shall immediately contact the employee's supervisor.
2. The supervisor shall initiate appropriate disciplinary action in accordance with advice and assistance from the labor relations staff.



**C. Employee Refusal to Provide Specimen at the Collection Site**

In the event an employee refuses to provide a specimen, the following procedures shall apply.

1. The employee shall be informed by the collector that:
  - a. the ADPC/SC and HQ ADPC will be contacted; and
  - b. he/she is to report back to the work site supervisor and wait further instructions.
2. The collector shall immediately notify the HQ ADPC.
3. The HQ ADPC shall contact the employee's supervisor. The supervisor shall initiate appropriate disciplinary action in accordance with advice and assistance from the labor relations staff.

**D. Failure of Employee to Provide Specimen**

If the employee fails to provide a sufficient quantity of urine, at least 90 milliliters, procedures will be followed in accordance with Random Testing, Chapter II, Section II, E.

**E. Tampering/Adulteration/Substitution of Urine Samples**

1. Should the collector, in his/her professional judgment, believe the employee has tampered/adulterated/substituted his/her sample, the collector shall:
  - a. continue with the collection under direct observation; and
  - b. contact the HQ ADPC to explain the details concerning the incident.
2. The HQ ADPC shall take the following action.
  - a. Authorize a second collection, again under direct observation if the circumstances clearly warrant; and instruct the collector to forward both samples to the testing laboratory. In questionable cases, the HQ ADPC shall consult the DPC and/or OGC.
  - b. If the employee has been released, contact the employee's supervisor and request that the employee be instructed to return to the collection site.
  - c. Document the collector's phone call, reasons for requesting the second observation, and final decision, including rationale for this decision.
  - d. When appropriate, the HQ ADPC shall contact the employee's supervisor. The supervisor shall initiate disciplinary action in accordance with advice and assistance from the labor relations staff.

### III. Reasonable Suspicion Memorandum and Notice

#### A. SAMPLE MEMORANDUM: Reasonable Suspicion Testing

(Date)

MEMORANDUM FOR: (Employee)

FROM: (Supervisor or Management Official)

Subject: Notice of Reasonable Suspicion Testing for Use of Illegal Drugs

Pursuant to Executive Order 12564 ("Drug-Free Federal Workplace"), the Nuclear Regulatory Commission (NRC) has initiated a comprehensive program to achieve the goal of a drug-free workplace in NRC. This Program's basic policy is set forth in NRC Announcement No. 94, dated July 9, 1987, a copy of which is enclosed.

It has been determined by agency officials that sufficient grounds exist to authorize collection of a urine specimen from you on the basis of reasonable suspicion. This drug test is sought to be performed since management has formed a reasonable belief that you are using illegal drugs. This reasonable belief is based upon \_\_\_\_\_ (To the extent possible, the agency will inform the employee of the basis for the reasonable suspicion.) Collection procedures under reasonable suspicion testing will require you to provide a specimen under direct observation.

Drug testing for the NRC is performed through urinalysis by independent contract laboratories certified by the Department of Health and Human Services (HHS). These laboratories meet the requirements of HHS Mandatory Guidelines for Federal drug testing programs. The testing methodology reflects the scientific and technical procedures necessary to assure the results are highly reliable and accurate. The laboratories, in accordance with HHS Guidelines, provide for strict quality control procedures. These procedures will include an initial screen of the urine sample you provide for drugs and confirmation by gas chromatography/mass spectrometry. The five drugs or classes of drugs that your sample will normally be tested for include: (1) marijuana metabolites, (2) cocaine metabolites, (3) opiate metabolites, (4) phencyclidine, and (5) amphetamines. Your sample may also be tested for other drugs on the controlled substances lists I and II.

To assure that the sample collected from you is not accidentally confused with any other sample, strict procedures will be used when collecting and transferring the specimen. The total of these procedures is known as the chain of custody. The test results from your sample will be handled with maximum respect for individual confidentiality consistent with safety and security. A confirmed positive test result reported by the laboratories will be reviewed by an NRC Medical Review Officer before a determination is made that an employee has used illegal drugs. You will be given an opportunity to list all prescription and over-the-counter drugs that could affect the outcome of the drug test and which may be identified through the confirmation procedure.

If a determination is made that you are using illegal drugs off duty, you may be removed or suspended without pay, depending on the circumstances. You will be provided the opportunity to use the services of the NRC's Employee Assistance Program (EAP). Through this program, you will receive counseling and learn about the availability of rehabilitation. Information concerning the EAP may be obtained from your immediate supervisor or by contacting Ms. Pat Kaplan, NRC's EAP Specialist, at (301) 492-4639. Refusal to enter or successfully complete a rehabilitation/counseling program will be grounds for removal from the Federal service. If you test positive a second time as a result of any subsequent drug test or a second determination of illegal drug use by you is made, you will be removed from the Federal service.

If you are an employee in a testing designated position and it is determined that you are using illegal drugs off duty, you will be assigned to non-sensitive duties. You may be returned to your testing designated position when a determination is made that such action would not pose a danger to public health or safety or the national security.

Refusal to submit to testing when notified or failure to cooperate with the collection procedures will be grounds for disciplinary action, including, in appropriate cases, removal from the Federal service.

If you are a bargaining unit employee, you may consult with the Union after the collection is performed.

If you have other questions after providing a urine specimen, please contact your operating personnel office or Assistant Drug Program Coordinator.

Supervisor or Management  
Official

Enclosure: As stated

**B. NOTICE TO APPEAR FOR REASONABLE SUSPICION DRUG TEST**

You are hereby notified that you are scheduled for reasonable suspicion drug testing on \_\_\_\_\_ (date) at \_\_\_\_\_ a.m./p.m. You will be in an official duty status for this activity including travel to and return from the collection site, and no personal leave need be taken. The specimen collection site is located at \_\_\_\_\_ Directions are attached.

Be sure you have a drug testing program checklist and that you take appropriate photo identification, such as an NRC photo badge or driver's license with photo. If you have any questions, check with your supervisor or call your HQs Assistant Drug Program Coordinator at 492-4100.

I received an original copy of these directions from \_\_\_\_\_  
(Printed Name of Supervisor)

on \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.  
(Date) (Time)

\_\_\_\_\_  
Printed Name of Employee

\_\_\_\_\_  
Supervisor's Signature

\_\_\_\_\_  
Employee's Signature

Please return the original or a copy of this document to HQs ADPC at Mail Stop N.NBB-5721 in an "Addressee Only" envelope.

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## CHAPTER IV. APPLICANT TESTING

### I. Individuals Subject to Applicant Testing

#### A. Coverage

All applicants for testing designated positions (TDPs) will be tested prior to permanent assignment to the position or employment with NRC. The term applicant in this chapter includes any NRC employee tentatively selected for a testing designated position and who has not, immediately prior to the selection been subject to random testing.

#### B. Details

In the instance of details of more than 120 days or directed assignments to TDPs, employees will be provided a 30-day notice and included in the random testing pool as of the effective date of the assignment or detail and after 30 days are eligible for random testing for as long as the detail or reassignment lasts. These employees are not considered applicants as the term is used in this chapter.

### II. Procedures Prior to Actual Collection

#### A. Assistant Drug Program Coordinator (ADPC) Notification

The operating personnel office shall notify the ADPC by telephone and then in writing as soon as possible when it has been determined that an applicant is to be scheduled for drug testing.

The drug test should be the last action taken prior to the offer of employment to external NRC applicants or the last action taken prior to the offer of a new NRC position to an existing NRC employee who has applied for a TDP position. This notification to the ADPC shall include the following information:

- Name of applicant;
- Occupational series and title applied for;
- Social security number;
- Internal or external applicant;
- Gender;
- Hiring office;
- Vacancy announcement number;
- Available dates for testing;
- Home and work telephone numbers; and
- Name of Satellite/Regional Personnel Officer and telephone extension.

#### B. Contractor Notification

The ADPC shall notify the contractor of the applicant's name, social security number, gender, home/work telephone number(s), and availability for testing. The ADPC will then provide the appropriate information concerning the scheduled appointment to the operating personnel office so they may inform the applicant.

#### C. Test Scheduling and Applicant Notification

- 1 The operating personnel office shall provide to the applicant the name of the local contractor point of contact, the proper phone number, address, date and time for completing the test.



2. The applicant will then report to the contractor for the test. If the applicant is more than twenty minutes late for the test, follow-up by the contractor will be initiated as indicated below.

### **III. Procedures During Collection**

#### **A. Standard Collection Procedures (Unobserved)**

Procedures will be followed for standard (unobserved) collection in accordance with Random Testing, Chapter II, Section II, A. Procedures for applicants will be the same as for NRC employees except that opposite gender collection technicians may be utilized for external NRC applicants under appropriate conditions approved by the HQ ADPC.

#### **B. Direct Observation Collection Procedures**

Procedures will be followed for direct observation collection in accordance with Random Testing, Chapter II, Section II, B. Procedures for applicants will be the same as for NRC employees.

#### **C. Failure of Applicant to Report to Collection Site**

1. If the applicant fails to appear for a scheduled collection, the collector shall immediately notify the ADPC by telephone, who in turn shall immediately contact the operating personnel office.
2. The operating personnel office will contact the applicant to determine the reason for the failure to report to the collection site. If appropriate, testing can then be rescheduled. No final offer of employment to an external NRC applicant shall be made until a verified negative test result has been received. No final offer of a new position shall be made to an existing NRC employee who has applied for a TDP position until a verified negative test result has also been received.

#### **D. Applicant Refusal to Provide Specimen at the Collection Site**

In the event an applicant refuses to provide a specimen, the following procedures shall apply.

1. The applicant shall be informed by the collector that the HQ ADPC will be contacted.
2. The collector shall immediately notify the HQ ADPC, who will inform the operating personnel office.
3. No final offer of employment to an external NRC applicant will be made until a verified negative test result has been received. No final offer of a new position shall be made to an existing NRC employee who has applied for a TDP position until a verified negative test result has been received.
4. External applicants who refuse to be tested shall be refused employment. NRC employees who apply for a TDP position and refuse to be tested shall be refused the offer of a new TDP position.

#### **E. Failure of Applicant to Provide Specimen**

If the applicant is unable to provide a sufficient quantity of urine (at least 90 milliliters), the following procedures shall apply.

1. Applicants will be given a reasonable period of time to provide a specimen. The applicant will be requested to remain in the collection area for up to one hour.
2. Applicants shall be asked to drink fluids to facilitate urination.
3. If at the end of the waiting period the individual still cannot provide a specimen of sufficient quantity, the employee will be given the option of (1) waiting longer to provide additional urine or (2) choosing

to forego providing additional urine and have his/her specimen sent only to the primary laboratory. This second option requires a written waiver.

4. If additional urine can be provided, its temperature shall be taken before being combined with the original specimen he/she provided.
5. If the applicant fails to provide at least 60 milliliters after being given a reasonable time to provide a specimen and allowed to drink fluids, this inability shall be recorded on the chain of custody form. The HQ ADPC shall be notified and a determination shall be made if there is sufficient quantity of urine available for testing.
6. The MRO, upon receipt of any information regarding an inability to provide a urine specimen shall contact the applicant for any medical justification that may exist to explain why the applicant failed to provide a specimen. If the MRO believes the applicant's justification is medically acceptable, no further action shall be taken against the applicant. If the MRO believes there is no medical basis for the failure to provide a specimen, he/she shall notify the HQ ADPC.
7. The HQ ADPC shall contact the HQs operating personnel office/REG ADPC and inform them of this medically unjustified failure to provide a specimen. No final offer of employment to an external applicant will be made until a verified negative test result has been received. No final offer of a new position shall be made to an existing NRC employee who has applied for a TDP position until a verified negative test result has been received.

#### F. Tampering/Adulteration/Substitution of Urine Samples

1. Should the collector, in his/her professional judgment, believe the applicant has tampered, adulterated and/or substituted his/her sample, the collector shall:
  - a. request the applicant to remain at the collection site, preferably in the presence of a second collector; and
  - b. call the ADPC to detail the reasons for this belief.
2. The ADPC shall take the following action.
  - a. Contact the HQs ADPC who shall, after consultation with the DPC and OGC, authorize the collection of a second specimen under direct observation if the circumstances clearly warrant.
  - b. Document the collector's phone call, reasons for requesting observation, and final decision, including rationale for this decision.
  - c. When appropriate for internal applicants, the ADPC shall contact the NRC employee's supervisor. The supervisor shall initiate disciplinary action in accordance with advice and assistance from the labor relations staff.

## IV. Applicant Testing Checklist and Notice

### A. APPLICANT DRUG TESTING PROGRAM CHECKLIST

You will be participating in NRC's Drug Free Federal Workplace Plan designed to support Executive Order 12564 for a drug free Federal work force. As an applicant for an NRC testing designated position (TDP), you have been scheduled for drug testing by urinalysis prior to permanent assignment to the position or employment. The five drugs or classes of drugs that your specimen will be tested for include: (1) marijuana metabolites, (2) cocaine metabolites, (3) opiate metabolites, (4) phencyclidine, and (5) amphetamines. Please be assured that your identification for such drug testing in no way reflects that NRC has any cause to suspect the use of illegal drugs. Drug testing is required for all individuals tentatively selected for a testing designated position, except internal applicants, who immediately prior to selection, have been subject to random testing. External applicants who refuse to be tested shall be refused employment. NRC employees (internal applicants) who apply for a TDP position and refuse to be tested shall be refused the offer of a new TDP position.

The following checklist items have been developed to ensure that uniform and accurate collection procedures are followed with each individual participating in the program.

1. Please arrive at the collection site on time. Collection personnel are required to contact an NRC representative for guidance if you do not appear at the assigned time.
2. Collection site personnel will ask you to verify your social security number and provide appropriate photo identification such as a driver's license with photo or agency photo badge. Again, collection personnel are required to contact an NRC representative for guidance if proper identification is not obtained. You will be asked to verify your social security number and provide your initials/signature at several stages throughout the collection process. These precautions are for your protection and will help ensure that all specimens are labeled correctly.
3. Collection site procedures will be explained by a technician usually of the same gender as your self. Personnel will also be available to answer any questions you might have or you will be referred to the appropriate NRC representative.
4. You will be asked to remove outer garments such as overcoats and suit jackets. You may not take a carrying bag into the collection room, but you may take your wallet with you.
5. Your technician will provide you with a sample collection container and instructions.
6. You must wash and dry your hands before providing your sample.
7. Unless otherwise directed by NRC, you will provide your sample within the privacy of the collection room or otherwise partitioned area such as a stall.
8. Do not flush the toilet until you have handed your specimen to the collector.
9. Under NRC's split sample collection procedures it will be necessary for you to provide a sufficient volume of urine so that your specimen can be split into two portions. One portion will be sent to NRC's primary laboratory and the second portion will be sent to NRC's second laboratory for temporary storage and possible confirmatory testing if necessary.
10. You will give the collection container to the technician who will check the temperature and general appearance of the sample. The temperature must be taken within four minutes of collection and be in an acceptable range of 32.5-37.7°C/90.5-99.8°F. If the temperature is outside the acceptable range, the collector will offer to take an oral temperature.
11. The technician will allow you to list any medication you desire to disclose in the space provided on the Medical Review Officer copy of the chain of custody form. You will then be asked to sign and date the chain of custody form in the space provided.



12. The technician will transfer the specimen to two shipping bottles. The technician will tighten the bottle caps and place the security/bottle custody seals over the caps and down the sides of the bottles. You should then initial and date the seals confirming that it is your sample in the bottles and that the specimen identification number is correct. The technician will place the preprinted bar code label on the bottle to be sent to NRC's primary laboratory. You must observe this process continuously.
13. If you do not provide a sufficient volume of urine, you will be invited to get something to drink and to wait in the immediate area of the collection activity for up to one hour. If additional urine can be provided, its temperature will be taken before being combined with the original sample you provided. Once combined, this sample will now be prepared for shipment in accordance with item 12.
14. After one hour, if you are still unable to provide a sufficient volume of urine, you will be given the option of (1) waiting longer to provide additional urine or (2) choosing to forego providing additional urine and have your specimen sent only to the primary laboratory. This second option requires a written waiver. A minimum of 60 ml. is required in all cases.
15. If the collection technician has reason to believe that the urine specimen has been tampered, altered or substituted he/she will notify the appropriate NRC representative. Should you tamper, adulterate or in any other manner attempt to alter the specimen, the technician will request authorization from the appropriate NRC representative to collect a second specimen of a sufficient volume under direct observation by a same gender collection site individual. Both specimens will be sent to the laboratory for analysis.
16. You may wash your hands after providing your specimen.
17. The collection technician may use the space provided on the first page of the chain of custody form for remarks concerning the collection (e.g., oral temperature had to be taken).
18. You will be asked to read and sign a statement on the chain of custody form certifying that the specimen came from your body.
19. The collection technician will then give you your copy of the completed chain of custody form.
20. If you have any concerns or questions about the collection process, you should immediately bring them to the attention of your NRC contact or collection technician who will refer you to the appropriate NRC representative.
21. You will be notified of your negative or positive test results as soon as possible.

Thank you for your cooperation and participation in this important program.

**B. NOTICE TO APPEAR FOR APPLICANT DRUG TEST**

You are hereby notified that as an applicant to an NRC testing designated position, you have been scheduled for drug testing and your urine specimen collection appointment is for \_\_\_\_\_ (date) at \_\_\_\_\_ a.m./p.m. If presently an NRC employee, you will be in an official duty status for this activity including travel to and from the collection site, and no personal leave need be taken. The specimen collection site is located at \_\_\_\_\_. Directions are attached.

Be sure you have an applicant drug testing program checklist, and that you take appropriate photo identification such as an agency photo badge or a driver's license with photo. If you have any questions, check with your NRC Personnel Contact.

I received an original copy of these directions from \_\_\_\_\_  
(Printed Name of NRC Personnel Contact)

on \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.  
(Date) (Time)

\_\_\_\_\_  
Printed Name of Applicant

\_\_\_\_\_  
NRC Personnel Contact

\_\_\_\_\_  
Applicant's Signature

Please return the original or a copy of this document to your NRC Personnel Contact.

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## CHAPTER V. POST ACCIDENT DRUG TESTING

### I. Post Accident Testing (General)

#### A. Covered Events

Testing for the presence of drugs may be conducted following an accident or other occurrence that meets either of the following criteria:

1. The accident results in a death or personal injury requiring immediate hospitalization; or
2. The accident results in damage to government or private property estimated to be in excess of \$500.

#### B. Event Determination

1. The appropriate Office Director or Regional Administrator will determine as expeditiously as possible when an accident or other occurrence qualifies as one of the above listed events. It shall be the responsibility of the Office Director or Regional Administrator to examine all the available facts as necessary to make this determination.
2. Following each covered event, the Office Director or Regional Administrator shall take all practical steps to assure that all employees whose work performance may have been a contributing factor to the event provide urine samples for testing. The scheduling of tests must be coordinated with the HQ ADPC.
3. The Office Director or Regional Administrator may exclude an employee from testing only when it can be conclusively determined, in the course of the review noted above, that the employee's work performance at or about the time of the event could not have been a contributing factor in the event. Any such exclusion must be based upon very specific and objective information. Where there is any uncertainty, testing shall be conducted. The process of determination must be completed, the proper notification given the employee, and procedures for scheduling collection begun within 8 hours of the receipt of notice by the Office Director or Regional Administrator of the covered event.

### II. Post Accident Notification Procedures

#### A. Contractor Notification

1. After informing the DPC of the action being taken, the HC shall notify the contractor immediately when a determination is made by management to conduct post accident testing. The notification shall include the following data, when possible:
  - Name of employee;
  - Title;
  - Social security number;
  - Gender; and
  - Duty location/facility address.
2. The contractor shall respond as expeditiously as possible after notification by the HQ ADPC and in accordance with contractual agreements. Requests for post accident testing may occur at any time or day of the week and at any location. An approximate time of arrival at the agreed upon collection site shall be given to the HQ ADPC.

3. The contractor shall contact the HQ ADPC upon arrival to confirm the time and site of collection.

**B. Drug Program Coordinator Notification**

Concurrent with contractor notification, the HQ ADPC shall verbally notify the DPC that post accident procedures have been initiated. If such procedures are implemented outside of NRC's normal business hours, this notification shall be made to the DPC within four hours of NRC's first normal workday.

**C. Supervisor Notification**

1. The HQ ADPC shall notify by telephone the employee's immediate supervisor or, in his/her absence, the next higher management official that emergency collection procedures have been initiated.
2. The HQ ADPC shall provide the supervisor or management official who requested the drug test with the estimated time and location of collection and any other information needed to be conveyed to the employee.

**D. Documentation**

Documentation shall be developed describing the circumstances which formed the basis for conducting post accident testing. This documentation shall be retained in files maintained by the HQ ADPC or other system of records, as appropriate.

**E. Employee Notification**

1. The supervisor or management official who requested the drug test shall provide the employee with specific written notice that he/she is being tested because management cannot conclusively determine that the employee's work performance at or about the time of the event could not have been a contributing factor in the event. The supervisor or management official will further instruct the employee to take appropriate photo identification when called for testing, such as an NRC photo badge or driver's license with photo. A sample notice memorandum is provided at the end of the chapter. The following information shall be included in the memorandum or notice:
  - a. the reasons for the urinalysis test and that it is consistent with NRC policy;
  - b. assurance that the quality of testing procedures is tightly controlled, that the tests used to confirm use of illegal drugs are highly reliable, and that test results will be handled with maximum respect for individual confidentiality, consistent with safety and security;
  - c. notice of the opportunity and procedures for submitting supplemental medical documentation that may support a legitimate use for a specific drug;
  - d. the consequences of a confirmed positive test result or refusal to be tested, including disciplinary action;
  - e. the class of drugs tested for;
  - f. the availability of professional drug abuse counseling by certified addiction counselors and referral services including the name and telephone number of the local EAP counselor;
  - g. the date, time and location for the test;
  - h. that the individual, if a member of the bargaining unit, may consult with the Union after the test is administered;
  - i. that the individual is directed to bring the employee's collection checklist and appropriate photo identification, such as NRC photo badge or driver's license with photo, to the collection site; and

- j. that the individual is in a duty status during the collection process including travel to and from the collection site.
2. The supervisor shall be knowledgeable about the drug testing program and should be able to refer employees with questions to the proper NRC drug testing officials (e.g., ADPC).
3. The supervisor shall immediately report to the HQ ADPC by telephone any problem encountered during employee notification that would prevent testing. The HQ ADPC shall assume the employee has received proper notification in the absence of any such call from the supervisor.

### **III. Procedures During Collection**

Procedures will be followed for standard (non-observed) collection in accordance with Random Testing, Chapter II, Section II. If sufficient justification for testing under the category of "Reasonable Suspicion", Chapter III exists, the procedures in that chapter should be followed, i.e., direct observation. The chain of custody form shall be annotated in the proper block as to the type of test.



**IV. Post Accident Testing Memorandum and Notice****A. SAMPLE MEMORANDUM: Post Accident Drug Testing**

[Date]

MEMORANDUM FOR: (Employee)

FROM: (Supervisor or Management Official)

SUBJECT: Notice of Post Accident Testing for Illegal Use of Drugs

Pursuant to Executive Order 12564 ("Drug-Free Federal Workplace") the Nuclear Regulatory Commission (NRC) has initiated a comprehensive program to achieve the goal of a drug-free workplace in NRC. This Program's basic policy is set forth in NRC Announcement No. 94, dated July 9, 1987, a copy of which is enclosed.

It has been determined by agency management that sufficient grounds exist to authorize collection of a urine specimen from you on the basis of an accident, injury or other occurrence since management cannot conclusively determine that your performance at or about the time of the event could not have been a contributing factor in the event.

Drug testing for the NRC is performed through urinalysis by independent contract laboratories certified by the Department of Health and Human Services (HHS). These laboratories meet the requirements of HHS Mandatory Guidelines for Federal drug testing programs. The testing methodology reflects the scientific and technical procedures necessary to assure the results are highly reliable and accurate. The laboratories, in accordance with HHS Guidelines, provide for strict quality control procedures. These procedures will include an initial screen of the urine sample you provide for drugs and confirmation by gas chromatography/mass spectrometry. The five drugs or classes of drugs that your sample will normally be tested for include: (1) marijuana metabolites, (2) cocaine metabolites, (3) opiate metabolites, (4) phencyclidine, and (5) amphetamines. Your sample may also be tested for other drugs on the controlled substances lists I and II.

To assure that the sample collected from you is not accidentally confused with any other sample, strict procedures will be used when collecting and transferring the specimen. The total of these procedures is known as the chain of custody. The test results from your sample will be handled with maximum respect for individual confidentiality consistent with safety and security. A confirmed positive test result reported by the primary laboratory will be sent to the NRC Medical Review Officer for review before a determination is made that an employee has used illegal drugs. You will be given an opportunity to list all prescription and over-the-counter drugs that could affect the outcome of the drug test and which may be identified through the confirmation procedure.

If it has been determined that you are using illegal drugs off duty by means of this drug test or any other means, you may be removed or suspended without pay, depending on the circumstances. You will be provided the opportunity to use the services of the NRC's Employee Assistance Program (EAP). Through this program, you will receive counseling and learn about the availability of rehabilitation. Information concerning the EAP may be obtained from your immediate supervisor or by contacting Ms. Pat Kaplan, NRC's EAP Specialist, at 492-4639. Refusal to enter or successfully complete a rehabilitation/counseling program will be grounds for removal from the Federal service. If you test positive a second time as a result of any subsequent drug test or a second determination of illegal drug use by you is made, you will be removed from the Federal service.

If you are an employee in a testing designated position and it is determined that you are using illegal drugs off duty, you will be assigned to non-sensitive duties. You may be returned to your testing designated position when a determination is made that such action would not pose a danger to public health or safety or the national security.

Refusal to submit to testing when notified or failure to cooperate with the collection procedures will be grounds for disciplinary action, including, in appropriate cases, removal from the Federal service.

If you are a bargaining unit employee, you may consult with the Union after the collection is performed.

If you have other questions after providing a urine specimen, please contact your operating personnel office or Assistant Drug Program Coordinator.

Supervisor or Management  
Official

Enclosure: As stated

**B. NOTICE TO APPEAR FOR POST ACCIDENT DRUG TEST**

You are hereby notified that you are scheduled for post accident drug testing on \_\_\_\_\_ (date) at \_\_\_\_\_ a.m./p.m. You will be in an official duty status for this activity including travel to and from the collection site, and no personal leave need be taken. The specimen collection site is located at \_\_\_\_\_. Directions are attached.

Be sure you have a drug testing program checklist and that you take appropriate photo identification, such as an NRC photo badge or driver's license with photo. If you have any questions, check with your Supervisor or call your HQs Assistant Drug Program Coordinator at 492-4100.

I received an original copy of these directions from \_\_\_\_\_  
(Printed Name of Supervisor)

on \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.  
(Date) (Time)

\_\_\_\_\_  
Printed Name of Employee

\_\_\_\_\_  
Supervisor's Signature

\_\_\_\_\_  
Employee's Signature

Please return the original or a copy of this document to HQs ADPC at Mail Stop MNBB-5721 in an "Addressee Only" envelope.

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## CHAPTER VI. VOLUNTARY TESTING

### I. Procedures Prior to Actual Collection

#### A. Employee's Request for Testing

1. Any NRC employee, regardless of position, may volunteer for drug testing by submitting a request in writing to his/her immediate supervisor. The request shall include the following data:
  - Name of employee;
  - Title;
  - Social security number;
  - Gender; and
  - Duty location/facility address.
2. All volunteer requests will be limited to joining the random testing pool.
3. The supervisor shall forward requests to the HQ ADPC and the appropriate OP Satellite/Regional Personnel Officer.
4. The appropriate OP Satellite/Regional Personnel Officer will ensure that the volunteer is coded properly in NRC's Automated Personnel System maintained by the Office of Personnel and thereby will be included in the random test pool.

#### B. Acknowledgment and Confirmation of Employee Request

The HQ ADPC shall, within 10 working days of his/her receipt of a request for voluntary testing, provide to the requesting employee two copies of an acknowledgment notice of that request. A sample notice is provided at the end of this chapter. This notice shall include the following information.

1. An acknowledgment of the employee's request for voluntary testing.
2. An explanation of the consequences of a positive test result.
3. A statement that the employee will be included in the random testing pool subject to the frequency, conditions and procedures of random testing, and will provide an explanation of the consequences for failure to comply.
4. A statement signed and dated by the employee acknowledging receipt of this notice. The employee shall be instructed to return this signed copy no later than 10 working days after receipt and that failure to do so will be viewed as a withdrawal of the request.

#### C. Test Scheduling

The HQ ADPC will coordinate all voluntary testing with other types of testing being scheduled.

#### D. Contractor Notification

The contractor shall be notified by the HQ ADPC in the same manner as Random Testing, Chapter II.

#### E. Regional Notification

The ADPCs shall be notified by the HQ ADPC that voluntary testing has been scheduled in the same manner as random testing procedures.



**F. Supervisor Notification**

1. The ADPC/SC shall notify the employee's first level supervisor approximately 2 hours prior to the actual collection.
2. In situations where the first level supervisor is unavailable, the acting supervisor or the next higher management official shall be contacted.
3. The ADPC/SC shall provide the supervisor with any information to be conveyed to the employee. (See Section I.G., "Employee Notification.")
4. The ADPC/SC shall annotate the test list when a supervisor has been contacted. Supervisors who excuse an employee from testing should be identified on the test list.

**G. Employee Notification**

1. Approximately 2 hours prior to the actual collection, the supervisor shall verbally and privately inform the employee that he/she is scheduled for voluntary drug testing. The employee shall be clearly informed as to the time and exact location to report for testing and instructed to take appropriate photo identification, such as NRC photo badge or driver's license with photo.
2. Every effort shall be made by the supervisor to personally provide the above information to the employee to avoid any misunderstandings. In addition, a copy of the "Random Drug Testing Checklist for Employees" will be given to each employee who volunteered and was randomly selected for testing.
3. The supervisor shall be knowledgeable about the drug testing program and should be able to refer employees with questions to the proper NRC drug testing officials (e.g., ADPC).
4. The supervisor shall immediately report to the ADPC/SC, via telephone, any problem encountered during employee notification. These problems shall be recorded on the test list by the ADPC/SC. The ADPC/SC shall assume the employee has received proper notification in the absence of any such call from the supervisor.

**H. Unavailability of Employee**

When an employee scheduled for voluntary testing is unavailable for legitimate reasons (e.g., working different shift, travel, prior approved leave), the ADPC/SC shall annotate the list indicating the specific reason and the name of the supervisor who provided the information. Any requests for leave or possible postponement will receive the same consideration as outlined in Section I.G. of Chapter II. The employee will remain in the testing designated pool and be subject to future random testing.

**I. Cancellation by Employee**

An employee may, up until 48 hours before the scheduled collection, submit a written request to the supervisor canceling voluntary testing.

**II. Procedures During Collection**

Standard procedures will be followed in accordance with Random Testing, Chapter II, Section II. The chain of custody form shall be annotated in the proper block as to the type of test.



### III. Voluntary Testing Memorandum and Notice Receipt

#### A. SAMPLE MEMORANDUM: Notice to Employee Requesting Voluntary Drug Testing

(Date)

MEMORANDUM FOR: (Employee)

FROM: (Headquarters Assistant Drug Program Coordinator)

SUBJECT: Acknowledgment of Request for Voluntary Drug Testing

This notice will acknowledge your recent written request to volunteer for agency drug testing. As you know, Executive Order 12564 ("Drug-Free Federal Workplace"), among other things, requires agencies to establish "a program for voluntary employee drug testing." The Nuclear Regulatory Commission (NRC) has initiated a comprehensive program to achieve the goal of a drug-free work place in NRC. This Program's basic policy, including the program for voluntary employee drug testing, is set forth in NRC Announcement No. 94, dated July 9, 1987, a copy of which is enclosed.

The NRC will schedule a collection of your urine specimen on the same day that other specimen collections are scheduled at your duty location. You are hereby asked to sign and date the enclosed statement, acknowledging receipt of this notice. Please complete this statement no later than 10 working days after receipt of this notice and return it to me in my capacity as NRC's Headquarters Assistant Program Coordinator (HQ ADPC). Your failure to return the completed statement to me by that time will be viewed as a withdrawal of your request for drug testing.

Drug testing for NRC is performed through urinalysis by independent contract laboratories certified by the Department of Health and Human Services (HHS). These laboratories meet the requirements of the HHS Mandatory Guidelines for Federal drug testing programs. The testing methodology reflects the scientific and technical procedures necessary to assure the results are highly reliable and accurate. The laboratories, in accordance with HHS Guidelines, provide for strict quality control procedures. These procedures will include an initial screen of the urine sample you provide for drugs and confirmation by gas chromatography/mass spectrometry. The five drugs or classes of drugs that your sample will be tested for include: (1) marijuana metabolites, (2) cocaine metabolites, (3) opiate metabolites, (4) phencyclidine, and (5) amphetamines.

To assure that the sample collected from you is not accidentally confused with any other sample, strict procedures will be used when collecting and transferring the specimen. The totality of these procedures is known as the chain of custody. The test results from your sample will be handled with maximum respect for individual confidentiality consistent with safety and security. A confirmed positive test result reported by the laboratories will be reviewed by an NRC Medical Review Officer before a determination is made that an employee has used illegal drugs. You will be given an opportunity to list all prescription and over-the-counter drugs that could affect the outcome of the drug test and which may be identified through the confirmation procedure.

If a determination is made that you are using illegal drugs off duty, you may be removed or suspended without pay, depending on the circumstances. You will be provided the opportunity to use the services of the NRC's Employee Assistance Program (EAP). Through this program, you will receive counseling and learn about the availability of rehabilitation. Information concerning the EAP may be obtained by contacting Ms. Pat Kaplan, NRC's EAP Specialist, at (301) 492-4639. Refusal to enter or successfully complete a rehabilitation/counseling program will be grounds for removal from the Federal service. If you test positive a second time as a result of any subsequent drug test or a second determination of illegal drug use by you is made, you will be removed from the Federal service.

If you are an employee in a testing designated position and it is determined that you are using illegal drugs off duty, you will be assigned to non-sensitive duties. You may be returned to your testing designated position when a determination is made that such action would not pose a danger to public health or safety or the national security.

Refusal to submit to testing when notified or failure to cooperate with the collection procedures will be grounds for disciplinary action, including, in appropriate cases, removal from the Federal service.

If you are a bargaining unit employee, you may consult with the Union after the collection is performed.

If you have other questions after providing a urine specimen, please contact your operating personnel office or Assistant Drug Program Coordinator.

Headquarters Assistant Drug  
Program Coordinator

Enclosure: As stated

**B. SAMPLE MEMORANDUM: Acknowledgment of Employee's Receipt of Notice**

I acknowledge receiving notice from the HQ ADPC concerning procedures for submitting to voluntary agency drug testing and the consequences of a confirmed positive drug test result or refusing to cooperate with collection procedures.

I understand that failure to sign and return this acknowledgment within 10 working days after receipt of notice will be viewed as a withdrawal of my request for voluntary drug testing.

\_\_\_\_\_  
Printed or Typed Name of Employee

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Date

(Please return to the HQs ADPC, Mail Stop MNBB 5721, in an "Addressee Only" envelope.)

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## CHAPTER VII. FOLLOW-UP TESTING

### I. Procedures Prior to Actual Collection

#### A. Test Scheduling

1. Upon the employee's return to a testing designated position or the completion of rehabilitation, the EAP Drug Rehabilitation Assessment Coordinator (DRAC) shall recommend a Follow-up Testing Plan. This plan is separate and distinct from follow-up testing which may be part of an employee's rehabilitation program under EAP.
2. This testing plan shall be submitted to the HQ ADPC by the NRC EAP Specialist.

#### B. Regional Notification

The ADPCs shall be notified when follow-up testing has been scheduled in the same manner as Random Testing, Chapter II.

#### C. Supervisor Notification

1. The ADPC/SC shall notify the employee's supervisor approximately 2 hours prior to the actual collection.
2. In situations where the first level supervisor is unavailable, the next higher management official shall be contacted.
3. The ADPC/SC shall provide the supervisor with the information to be conveyed to the employee. (See Section I.D., "Employee Notification.")
4. The ADPC/SC shall document the date and time of supervisor notification and forward to the HQ ADPC.

#### D. Employee Notification

1. On the day of collection, approximately 2 hours prior to actual collection, the supervisor or management official shall provide the employee with written notice that he/she has been scheduled for follow-up drug testing. The employee shall be clearly informed as to the exact time and location for the test and instructed to take appropriate photo identification, such as an NRC photo badge or driver's license with photo.
2. The supervisor shall be knowledgeable about the drug testing program and able to refer employees with questions to the proper NRC drug testing officials (e.g., ADPC).
3. The supervisor shall immediately report to the ADPC/SC, via telephone, any problem encountered during employee notification that would preclude notification. The ADPC/SC shall assume the employee has received proper notification in the absence of any such call from the supervisor.

#### E. Unavailability of Employee

1. The same considerations involving the availability/unavailability of the employee as outlined in Section I.G. of Chapter II, also apply in this case.
2. If necessary, the HQ ADPC shall arrange a new date/time of collection with the contractor and notify the employee's supervisor by telephone of the new schedule when appropriate.



3. The HQ ADPC shall annotate the list or request for follow-up testing indicating the reason for re-scheduling and the new date/time of the test.

## **II. Procedures During Collection**

Procedures will be followed for direct observation collection in accordance with Reasonable Suspicion Testing, Chapter III, Section II. The chain of custody form shall be annotated in the proper block as to the type of test.



**III. Follow-up Testing Memorandum and Notice****A. SAMPLE MEMORANDUM: Follow-up Drug Testing**

[Date]

MEMORANDUM FOR: (Employee)  
FROM: (Supervisor or Management Official)  
SUBJECT: Notice of Follow-up Testing for Illegal Use of Drugs

When you elected to enter the NRC's Employee Assistance Program, you were advised that you would be subject to follow-up testing for illegal use of drugs. You are scheduled for follow-up testing \_\_\_\_\_. I will notify you each time using a notification form. (Sample enclosed.) Be prepared to present appropriate photo identification, such as NRC photo badge or driver's license with photo, to the collector. You will be required to provide a urine specimen of a sufficient volume under direct observation.

Drug testing for the NRC is performed through urinalysis by independent contract laboratories certified by the Department of Health and Human Services (HHS). These laboratories meet the requirements of the HHS Mandatory Guidelines for Federal drug testing programs. The testing methodology reflects the scientific and technical procedures necessary to assure the results are highly reliable and accurate. These laboratories, in accordance with HHS Guidelines, provide for strict quality control procedures. These procedures will include an initial screen of the urine sample you provide for drugs and confirmation by gas chromatography/mass spectrometry. The five drugs or classes of drugs that your specimen will be tested for include: (1) marijuana metabolites, (2) cocaine metabolites, (3) opiate metabolites, (4) phencyclidine, and (5) amphetamines.

To assure that the sample collected from you is not accidentally confused with any other sample, strict procedures will be used when collecting and transferring the specimen. The totality of these procedures is known as the chain of custody. The test results from your sample will be handled with maximum respect for individual confidentiality consistent with safety and security. A confirmed positive test result reported by the laboratories will be reviewed by an NRC Medical Review Officer before a determination is made that an employee has used illegal drugs. You will be given an opportunity to list all prescription and over-the-counter drugs that could affect the outcome of the drug test and which may be identified through the confirmation procedure.

If you test positive, your removal from the Federal service will be initiated. Refusal to submit to testing when notified or failure to cooperate with collection procedures will also be grounds for removal from the Federal service.

If you have other questions after providing a urine specimen, please contact your operating personnel office or Assistant Drug Program Coordinator.

Supervisor or Management  
Official

Enclosure: As stated

**B. NOTICE TO APPEAR FOR FOLLOW-UP DRUG TEST**

You are hereby notified that you are scheduled for follow-up drug testing on \_\_\_\_\_ (date) at \_\_\_\_\_ a.m./p.m. You will be in an official duty status for this activity including travel to and from the collection site, and no personal leave need be taken. The specimen collection site is located at \_\_\_\_\_. Directions are attached.

Be sure you have a drug testing program checklist and that you take appropriate photo identification such as NRC photo badge or driver's license with photo. If you have any questions, check with your supervisor or call your HQs Assistant Drug Program Coordinator at 492-4100.

I received an original copy of these directions from \_\_\_\_\_  
(Printed Name of Supervisor)

on \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.  
(Date) (Time)

\_\_\_\_\_  
Printed Name of Employee

\_\_\_\_\_  
Supervisor's Signature

\_\_\_\_\_  
Employee's Signature

Please return the original or a copy of this document to HQs ADPC at Mail Stop MNBB-5721 in an "Addressee Only" envelope.

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## CHAPTER VIII. MEDICAL REVIEW OFFICER PROCEDURES

### I. General

#### A. Role

1. Provides the medical review of laboratory test results and determines if the laboratory confirmed positive test findings are consistent with illegal drug use.
2. Monitors the specimen collection operation and laboratory testing and reporting operations to ensure accurate and complete information is available for decision-making purposes.
3. May assist in determining when an employee who has entered a rehabilitation/counseling program is medically fit to return to a testing designated position.

#### B. Organizational Relationships

1. The NRC Medical Review Officer (MRO) receives and verifies the determination of positive test results.
2. All notifications to NRC will be to the HQ ADPC.

#### C. Communications

1. Communications regarding sensitive medical information (positive drug test results, medical records reviews, medical interviews, consultations with treating physicians, etc.) will be conducted in a manner that provides the maximum protection of employees' rights to privacy. Medical details in individual cases will be restricted to communications between health care professionals and only as required to arrive at a decision regarding a positive drug test result or return to duty for employees who have entered a rehabilitation/counseling program.
2. Telephone communication is permitted for the purpose of acquiring medical or other information necessary to arrive at a medical determination in individual cases. Only those persons who have a need to know will be privy to or participate in such conversations.
3. Transmittal of written medical information by the MRO will be by sealed envelope labeled; "To be opened by addressee only". This would include drug test results, medical record and interview information, chain of custody forms, etc.

## II. Test Results

### A. Receipt

Test results from the specimen testing laboratory will be received via special courier, the U.S. Postal Service, or by electronic means in a manner consistent with the Privacy Act, 5 U.S.C. 552a.

### B. Review

1. The medical review of each positive test result must be performed by the MRO, a licensed physician with knowledge of substance abuse disorders. The purpose of the review is to determine if the positive result is evidence of illegal drug use.
2. There may be circumstances in which formal verification cannot be made immediately because of the need to obtain additional information. For example, a positive result for opiates or amphetamines may

be due to legitimate prescribed use of such drugs. In such situations the MRO will obtain documentation needed for a final decision in as expeditious a manner as possible.

3. The MRO shall undertake the evaluation of alternative explanations of a positive test result. This may include the conduct of employee/applicant medical interviews, review of an individual's medical history or the review of other biomedical factors. Any requests for medical information shall be made by the MRO directly to the employee/applicant to ensure maximum confidentiality.
4. The MRO shall review all medical records made available by the tested individual when a positive test could have resulted from legally prescribed medications.
5. After being notified of a confirmed positive test result (primary lab), an individual may request a meeting with the Medical Review Officer (MRO) to submit evidence to justify a positive test result.

This meeting, if requested, shall be conducted no later than one week after the individual is notified of a confirmed test in order to allow the individual the opportunity to gather his/her evidence. If the individual cannot explain the positive result and denies the illegal use of a controlled substance, or if the individual specifically requests a reanalysis of the specimen, the MRO will direct the second split portion of the specimen to be tested at the secondary laboratory. In such cases, no result will be considered a verified confirmed positive result prior to the receipt of this second test. The MRO will make his/her final determination in writing to the agency based on the results of both tests. If the NRC employee travels to a meeting with the MRO, he/she shall coordinate the travel arrangements through the Regional and/or the Headquarters ADPC and will be deemed to have permitted the release of information concerning the confirmed positive test result and the MRO meeting to these individuals as a result of his/her travel request. Knowledge of travel will be restricted to those with a need to know. If the MRO agrees there is a need to hold the meeting, the agency will bear the cost of authorized travel expenses. If the MRO does not agree that the meeting is necessary, the employee will bear the cost. If there is a need for a second meeting, it will be undertaken only at the request of the MRO.

6. In any event of a positive test result from NRC's primary laboratory, the MRO may, at his/her discretion, request the testing and analysis by NRC's secondary laboratory of the split portion of the employee's original specimen.
7. In situations where the MRO believes no *medical* explanation exists for the drug(s) listed as positive in the laboratory report, the MRO will notify the HQ ADPC, by telephone and then in writing, of the laboratory finding. A verification will be made on the report and signed by the MRO.

The HQ ADPC will communicate this information to the DPC. As a safety precaution, upon receipt of this information, the DPC may direct that the employee may be relieved of TDP duties. Care should be taken to safeguard the confidentiality of the report. The report will be maintained in a secure filing system (see Chapter I, Section H.2., General Provisions).

8. In situations where interviews and consultations with employees/applicants are not considered to be necessary by the MRO, the employee/applicant may submit additional information. The MRO should determine if this information is pertinent to a medical review or is information primarily evidentiary in nature that should be considered by the appropriate NRC management official.
9. The MRO review to verify a positive test result will not address any issues of innocent ingestion. These are matters to be considered by the appropriate NRC management official.
10. The review of positive test results by the MRO shall be initiated immediately upon receipt of the laboratory test report, and shall be completed within 2 work days after receipt of all information pertinent to the review.
11. Each positive test report received from the contract laboratory shall have a verification statement signed by the MRO to the effect that:



- a. the positive test result has been verified as positive, or
  - b. the medical review has identified a legitimate medical reason for the positive test result, and the result has been reclassified to a negative report.
12. The DPC shall provide positive test information to the Drug Rehabilitation Assessment Coordinator and supervisory personnel, as appropriate. Care should be taken to safeguard the confidentiality of the report.

**C. Distribution**

1. Negative reports will be forwarded to the HQ ADPC, so that the HQ ADPC can provide employees with the results of their tests. For applicants, the HQ ADPC will be given a copy of the negative test report and will in turn notify the appropriate OP Satellite/ Regional Personnel Officer/ADPC.
2. A confirmed positive test result shall not be distributed until a review has been conducted by the MRO and the positive test result has been verified.

**D. Notification**

1. After receiving a positive test result from the HQ ADPC, the DPC shall notify only the employee, the Drug Rehabilitation Assessment Coordinator and the management officials having authority to initiate appropriate personnel actions. For applicants, the HQ ADPC will notify the Director, Office of Personnel.
2. Notification of employee and management officials by the DPC shall be expeditiously accomplished upon verification of the positive test result by the MRO through the HQ ADPC.
3. A copy of the verified positive test report shall be provided by the DPC to the employee at his/her home address in an envelope clearly labeled "To be opened by addressee only."



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