



Department of Energy  
National Nuclear Security Administration  
Washington, DC 20585



August 24, 2018

MEMORANDUM FOR THE CHIEF HUMAN CAPITAL OFFICER

THROUGH:

R. M. HENDRICKSON  
ASSOCIATE ADMINISTRATOR  
FOR MANAGEMENT AND BUDGET

FROM:

DR. DONNA MISCHELL NAVARRO  
DIRECTOR, HUMAN RESOURCES

SUBJECT:

ACTION: Applicant Drug Testing for employees currently  
Occupying a Testing Designated Position (TDP)

**ISSUE:** NNSA seeks exemption from the Department of Energy's (DOE's) requirement for current DOE/NNSA employees in a TDP to complete an applicant drug test when selected for a different NNSA TDP. This requirement delays NNSA's ability to promptly fill mission critical positions.

**BACKGROUND:** DOE Order 251.1D, Appendix E, allows the NNSA Administrator to grant an exemption to the requirements in a DOE directive after seeking advice from the Office of Primary Interest (OPI) and NNSA General Counsel.

NNSA seeks an exemption for all NNSA TDPs from the italicized requirement in DOE Order 343.1 as defined in Paragraph 4.e. below:

"e. Pre-employment/Applicant Testing. All applicants who have been tentatively selected for a TDP will be drug tested; *this includes current DOE employees who are currently in a TDP. An applicant drug test for a current DOE employee in a TDP may be waived if the employee has a negative drug test result from a DOE-initiated test within 60 calendar days of the new position offer.*"

Per the OPI, DOE based its requirements on the Substance Abuse and Mental Health Services Administration (SAMHSA) drug testing model plan. The model plan allows Federal agencies to drug test any individual tentatively selected: (1) for employment with the Agency; or (2) for a TDP and, who has not, immediately prior to the selection, been subject to random testing. DOE chose to comply with option two and identify specific TDPs.

**DISCUSSION:** In option two above, NNSA interprets "been subject to random testing" to mean that an employee who is currently serving in a TDP has been subject to random testing. An employee currently serving in a TDP is not required to be drug tested under applicant testing prior to being placed in the new TDP. It is noted the Department of



Commerce, the Military Departments (Air Force, Army, and Navy), and the Defense Logistics Agency implement the clause in the same way. NNSA's request for an exemption does not conflict with applicable rules, laws, or regulations.

NNSA thanks the DOE Chief Human Capital Office members for working with us over the last several months by email and through collaboration meetings to review the current policy and consider the request for an exemption to DOE Order 343.1.

Exemption from this requirement supports Office of Management and Budget (OMB) Memo 17-22 objective which requires agencies to remove functions which are "needlessly redundant", "requirements that are low-value, duplicative", and "removing barriers that hinder front-line employees from delivering results", by adding at least five to seven business days to the NNSA hiring timeline. The NNSA drug testing timeline breakdown is:

- Up to 48 hours for the test kit to arrive at the lab
- Up to 48 hours for the employee to present themselves for the test;
- Up to 48 hours to receive the test results; and
- Up to 24 hours for internal Agency processing.

Testing this population also incurs additional expense to the Agency, and results in up to four hours of lost productivity for each employee when they must retake a drug test.

A review of drug test results under the current policy of testing internal employees shows one out of ~175 or .01% of tested employees had a positive test result for both 2016 and 2017. These results indicate minimal risk to the agency would result from removing this requirement, would reduce the drug test processing man-hour cost at a rate of \$47K each year, eliminate \$6K annually in drug test costs and result in an increase of available work hours of employees who are currently tested who would no longer be required to be tested.

**SENSITIVITIES:** None

**POLICY IMPACT:** DOE will need to enumerate the exemption in section 3.c., Equivalencies/Exemptions, in DOE O 343.1.

**URGENCY:** None

**OPTIONS:**

1. Submit an exemption memorandum for the Administrator's signature authorizing an NNSA exemption from Section 4.e. of DOE Order 343.1 requiring employees currently occupying a DOE/NNSA TDP to undergo applicant drug testing when selected for a different NNSA TDP. (This NNSA exemption request must be reviewed by the DOE CHCO. For any DOE CHCO comments not resolved to the satisfaction of the DOE CHCO and NNSA, the DOE CHCO and the NNSA



Administrator shall jointly submit the dispute to the Deputy Secretary for resolution.)

- Pros:
  - DOE Order 251.1D states that organizations should make full use of exemptions and equivalencies to avoid unnecessary burden
  - Allows NNSA to quickly move employees into mission critical positions
  - Supports the OMB Memorandum 17-22
  - Saves the agency of duplicative costs of unnecessary testing
- Cons:
  - May not be favored by DOE

2. Continue to comply with DOE's requirement for a DOE initiated drug test if the current DOE/NNSA employee occupying a TDP has not been drug tested within 60 days of selection for a different NNSA TDP.

- Pros:
  - Even with delays in placing employees in new TDP positions, all employees would continue to be treated the same within the Department
- Cons:
  - Conflicts with OMB Memorandum 17-22
  - Delays NNSA mission accomplishment
  - Incurs unnecessary costs with no additional benefit

**RECOMMENDATION:** Recommend Option 1.

APPROVE: CTK DISAPPROVE: \_\_\_\_\_ NEEDS DISCUSSION: \_\_\_\_\_ DATE: 11/21/2018

Concur with Option 1  
Candice Trummell Robertson