

DATE: April 11, 2013
TO: DIRECTIVES POINTS OF CONTACT
FROM: KEVIN T. HAGERTY, DIRECTOR
OFFICE OF INFORMATION RESOURCES
SUBJECT: Draft DOE O 343.1, *Federal Substance Abuse Testing Program*

The draft directive has been posted on RevCom for review and comment. The Order establishes the requirements and responsibilities for the DOE Federal Substance Abuse Testing Program which covers drug and alcohol testing.

INSTRUCTIONS

Headquarters DPCs have until **May 13, 2013**, to submit to the OPI consolidated comments received from subject matter experts and/or field DPCs using the Department's RevCom system (<https://www.directives.doe.gov/login.jsp>).

HQ DPCs

- may set separate deadlines for field offices using the RevCom "Version" link.
- must obtain approval from their secretarial officers or designees before submitting official organization comments.

Extensions to the commenting period will be granted only with the permission of the office of primary interest and only for the requesting organization.

Comments:

Please identify comments as "Major" or "Suggested." Major comments should be identified as addressing issues serious enough to preclude or significantly hamper the Department's ability to—

- accomplish policy objectives and missions,
- comply with applicable laws, rules, and regulations, or
- fulfill contractual obligations and formal commitments.

The first issue for consideration is whether this directive should apply to your organization. If it should not apply, enter that information with justification in the "Overall Comments."

OPI: The office of primary interest must respond to all comments submitted by Headquarters DPCs.

Please address questions on the content of the draft directive to Beau Newman (HC-11) at 202-586-8585; beau.newman@hq.doe.gov.

Questions on the directives program should be directed to Chris Tirado (MA-90) at 202-586-4967 christopher.tirado@hq.doe.gov.

U.S. Department of Energy
Washington, D.C.

ORDER

DRAFT
DOE O 343.1

Approved: XX-XX-XX

SUBJECT: FEDERAL SUBSTANCE ABUSE TESTING PROGRAM

1. **PURPOSE.** To establish the requirements and responsibilities for the Department of Energy (DOE) Federal Substance Abuse Testing Program which covers drug and alcohol testing.
2. **CANCELLATION.** DOE Order 3792.3, *Drug-Free Federal Workplace Testing Implementation Program*, dated 07-29-88.
3. **APPLICABILITY.**
 - a. **Departmental Applicability.** This Order applies to all DOE elements, including the Bonneville Power Administration.

The National Nuclear Security Administration (NNSA) Administrator will assure that NNSA employees comply with their respective responsibilities under this Order. Nothing in this Order/Notice will be construed to interfere with the NNSA Administrator's authority under section 3212(d) of Public Law (P.L.) 106-65 to establish Administration-specific policies, unless disapproved by the Secretary.

In accordance with the responsibilities and authorities assigned by Executive Order 12344, codified at 50 USC sections 2406 and 2511 and to ensure consistency through the joint Navy/DOE Naval Nuclear Propulsion Program, the Deputy Administrator for Naval Reactors (Director) will implement and oversee requirements and practices pertaining to this Directive for activities under the Director's cognizance, as deemed appropriate.
 - b. **DOE Contractors.** This Order does not apply to contractors.
 - c. **Equivalencies/Exemptions for DOE O 343.1.** Equivalencies and exemptions to this Order are processed in accordance with DOE O 251.1C, *Departmental Directives Program*.
4. **REQUIREMENTS.** The following requirements must be read in conjunction with applicable laws, regulations, Executive Order, Substance Abuse and Mental Health Services Administration (SAMHSAS) mandatory guidelines, DOE directives, and provisions of local collective bargaining agreements.

- a. General. DOE Headquarters will administer or contract for a corporate drug and alcohol testing program and identify which positions and employees are subject to drug and/or alcohol testing.
- b. Types of Drug Testing. Testing for the use of illegal drugs may occur as follows.
 - (1) Employees in the positions listed in Appendix A, referred to as testing designated positions (TDPs), are subject to random testing.
 - (2) Applicants for all TDPs are subject to pre-employment (also referred to as applicant) testing. Employees in TDPs who fall within U.S. Department of Transportation (DOT) testing regulations are subject to return-to-duty testing.
 - (3) Employees who volunteer to be included in the random testing program are treated as if they are in TDPs.
 - (4) All employees are subject to post accident or post incident (also referred to as unsafe practice) follow-up or reasonable suspicion testing.
- c. Categories of Alcohol Testing. The following employees and applicants are also subject to alcohol testing, which is conducted by a Breath Alcohol Technician (BAT).
 - (1) Employees in TDPs who are required to maintain a commercial driver's license (CDL) or other transportation requirement per DOT regulations are subject to random, preemployment/applicant, follow-up, post accident or post incident/unsafe practice, reasonable suspicion, and return-to-duty testing.
 - (2) Employees in TDPs who are in the DOE Human Reliability Program (HRP) are subject to random, preemployment/applicant, follow-up, post accident or post incident/unsafe practice, reasonable suspicion, and return-to-duty testing.
- d. Random Testing. Employees in TDPs are subject to random testing using a random sampling technique by the Departmental Substance Abuse Program Manager.
 - (1) Database.
 - (a) The TDP random test database will be maintained by the Departmental -Substance Abuse Program Manager.
 - (b) Each local Substance Abuse Program Coordinator will maintain a

list of TDPs within his/her organization subject to testing and provide a periodic update to the Departmental Substance Abuse Program Manager to maintain the random testing database.

- (2) Selection. Random selection for testing of employees will be centrally controlled and only made by the Departmental Substance Abuse Program Manager. The percentage of employees selected for testing will be that established by Federal regulation or by the Secretary. Random testing cycles will follow a formula and schedule established by the Departmental Substance Abuse Program Manager in consultation with affected program offices (see Appendix A for the percentage of testing for each TDP).
- (3) Testing Positive. Employees who have tested positive and referred to Employee Assistance Program (EAP) or to a Substance Abuse Professional (SAP) will be temporarily removed from the random selection process if they enter a formal rehabilitation program. The local Substance Abuse Program Coordinator must notify the Departmental Substance Abuse Program Manager of the need to temporarily remove the employee from random testing.
- (4) Vacancy Announcements. A vacancy announcement for a TDP must state that the position is subject to the DOE substance abuse program, a negative test result will be required before an offer of employment becomes final, and the applicant selected will be subject to future random testing.
- (5) Biennial Notice. A general notice will be issued by the Departmental Substance Abuse Program Manager every other year to remind all employees, especially those in TDP, of the Department's testing program and the availability of assistance through EAP.
- (6) Individual Notice.
 - (a) A one time notice will be (or has been) issued by the applicable Departmental element to an employee whose position is subject to random testing at least 30 days before initiation of random testing. At a minimum, the notice must contain the following:
 1. the purpose of the testing program, which is to ensure that employees in the positions listed in Appendix A are able to perform the tasks of their positions safely at all times;
 2. why the employee is subject to unannounced random testing;
 3. the effective date that the employee will be subject to

random testing;

4. the types of tests that will be administered;
5. a statement that the applicable testing procedures will comply, with the Substance Abuse and Mental Health Services Administration (SAMHSA) mandatory guidelines for drug testing and/or the DOT regulations;
6. a statement that a positive test result, i.e., a positive test result that indicates the employee has recently used an illegal drug or alcohol, may result in disciplinary action or security clearance/access authorization revocation based on applicable laws, regulations, Executive Order, mandatory guidelines, and/or Departmental directives;
7. a statement that counseling and rehabilitative assistance are available through the EAP or SAP for employees tested under DOT regulations for employees who test positive, or the employee voluntarily identifies himself or herself as a user of an illegal drug or an abuser of alcohol and requests referral to the EAP; and
8. a statement that the employee may file a grievance pursuant to the provisions of DOE O 342.1, *Grievance Policy and Procedures*; negotiated local agreements; or other applicable appeal processes.

- (b) Employees must acknowledge receipt of the notice in writing or the employee's supervisor must certify that the notice was given to the employee but the employee was unwilling to sign the acknowledgement.

e. Preemployment/Applicant Testing. All applicants who have been tentatively selected for a TDP will be 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 in the last 60 calendar days of the new position offer.

(1) DOE Employees. If the test is positive, and

- (a) the employee is currently not in a TDP, the employee will not be selected for the TDP; the positive test result will be shared with the applicant's current supervisor and the personnel security office; the employee will be referred for counseling and/or rehabilitation; and the employee may be subject to follow-up testing and disciplinary

action.

- (b) the employee is currently in a TDP, the employee will not be selected for the new TDP; the positive test result will be shared with the applicant's current supervisor and the personnel security office; the employee will be removed from their sensitive duties; the employee will be referred for counseling and/or rehabilitation; and the employee will be subject to follow-up testing and disciplinary action.
 - (2) Non-DOE Applicants. Non-DOE applicants who test positive will not be selected.
 - (3) Coordination. The local Substance Abuse Program Coordinator will coordinate all aspects of the testing process.
 - f. Follow-up Testing. When an employee has tested positive or admitted to illegal drug use or alcohol abuse, based on the recommendation of the EAP counselor or SAP Coordinator, testing may be required during or after counseling or rehabilitation up to a minimum of 12 months following the last date tested or the date that a "Substance Abuse Acknowledgement" document, which contains a commitment to cease the prohibited use of or involvement with illegal drugs or alcohol and to participate in the follow-up testing program, was signed, whichever is later. Follow-up testing is an observed collection and may be conducted at any time and frequency.
 - g. Post accident or Post incident/Unsafe Practice Testing. Employees who are involved in an accident or a reportable safety incident while on official duty will be tested as soon as possible or
 - (1) within 32 hours for a drug test.
 - (2) within 8 hours for an alcohol test for employees who are also subject to being tested under DOT regulations.
- Determination to conduct a post accident test will be based on several factors that may include, but are not limited to, duty status, the use of a government vehicle, the direct cause of the accident, and/or the type and severity of injuries and property damage. A post accident test must be completed in cases of human fatality or bodily injury with immediate medical treatment away from the scene or damage to property in excess of \$8000.
- h. Reasonable Suspicion Testing. Employees will be tested when there is a reasonable suspicion that they may have engaged in illegal drug use or appear

impaired by drug or alcohol use. Reasonable suspicion alcohol testing can only be conducted on employees in the HRP or who are subject to DOT regulations, such as CDL holders. Reasonable suspicions test is an observed collection.

(1) Notice. A supervisor must provide a written notice to the employee that explains the basis for the reasonable suspicion and the required testing procedures. The fact that an employee has tested positive or has undergone a period of rehabilitation will not be used solely as grounds for reasonable suspicion testing. The reasonable belief criteria include, but is not limited to,

- (a) observed phenomena, such as observation of illegal drug use, physical symptoms of being under the influence of an illegal drug, or smell of an illegal drug or alcohol;
- (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 independently corroborated about illegal drug use or abuse of alcohol; or
- (e) newly discovered evidence that the employee has tampered with a previous drug test.

(2) Level of Approval. The head of the Departmental element or designee, but no more than 1 level below, must concur on the supervisor's request for reasonable suspicion testing of an employee.

i. Return-To-Duty Testing. An employee in a TDP that is tested under DOT regulations who has been removed from their sensitive duties are subject to being tested for illegal drugs and alcohol before being returned to their sensitive duties. When an employee has completed a rehabilitation program, the return-to-duty test may be regarded as the initial follow-up test.

j. Return to Sensitive Duties.

(1) If an employee is in a TDP and has undergone rehabilitation, the rehabilitation facility must provide the local EAP counselor or SAP Coordinator and local Substance Abuse Program Coordinator with certification that the employee has successfully completed the rehabilitation program and tested negative.

- (2) The determination as to when the employee may be returned to sensitive duties will be made by the supervisor after consultation with the local Substance Abuse Program Coordinator and EAP counselor or SAP Coordinator and after the concurrence by the head of the Departmental element or designee.
- (3) The return to sensitive duties that involves a security clearance/access authorization is not covered by this order. Eligibility for continued access will be a decision made by personnel security

k. Test Results.

- (1) All drug test results will be reported to the local Substance Abuse Program Coordinator by the Department's Medical Review Officer (MRO) using criteria set forth in the Substance Abuse and Mental Health Service Administration (SAMHSA) Mandatory Guidelines and/or DOT regulations depending on the applicable authority (ies). The alcohol test results conducted under DOT regulation will be reported by the BAT to the local Substance Abuse Program Coordinator.
 - (2) A centralized, computerized file of the outcome of all drug tests performed for DOE will be maintained by or available to the Departmental Substance Abuse Program Manager. Local Substance Abuse Program Coordinators will have access to the drug test results for employees in their organizations.
 - (3) When the certified laboratory that analyzes a drug test sample reports to the MRO a test result of positive, adulterated, substituted, invalid or rejected, the MRO in accordance with the SAMHSA Mandatory Guidelines or DOT regulations will conduct a review of the laboratory results and the associated paperwork and may contact the donor for an interview. The donor (employee or applicant) will be given an opportunity to provide an explanation and documentation for the reason of the laboratory test results. The MRO will make the determination as to what test result will be reported to the Department. The employee will be notified in writing of a positive test result.
 - (4) The employee may receive results of his/her test by making a request to the local Substance Abuse Program Coordinator.
- l. Records. All records, including test records and chromatographic tracings, will be retained by the MRO and drug testing laboratory or alcohol testing company in a manner that allows retrieval of all information pertaining to the employees tested for a minimum of 2 years after the date of notification of test results to the Department.

5. RESPONSIBILITIES.

a. Office of the Secretary.

- (1) Approves or disapproves requests to include or exempt certain positions or groups of positions as TDPs.
- (2) Approves the percentage of random testing of TDPs not covered by laws or regulations.
- (3) Determines whether to allow deviations from the drug testing procedures outlined in Executive Order 12564, Drug-Free Federal Workplace, September 15, 1986.

b. Director, Office of Human Capital Management. Develops, and, in coordination with the Director, Office of Human Capital Management, NNSA for NNSA elements, implements, and administers the Departmental substance abuse testing program.

c. Departmental Substance Abuse Program Manager.

- (1) Provides advice and guidance on policies, standards, and procedures concerning the DOE substance abuse testing program, consistent with applicable laws, regulations, Executive Orders, SAMHSA Mandatory Guidelines, and DOE directives.
- (2) Maintains the substance abuse testing database and recommends approval or disapproval of requests to exempt certain positions or groups of positions from the substance abuse testing program.
- (3) Is the only authorized individual within DOE to make selections for random testing of employees.
- (4) Ensures that adequate funds are requested for conducting testing programs.
- (5) Provides for laboratory and collection services, including the MRO, and supplies needed for the testing program.
- (6) Provides annual reports to SAMHSA on the substance abuse testing program and provides periodic internal reports.
- (7) Maintains liaison with the Office of Personnel Management, SAMHSA, the Departments of Transportation and Justice, and other organizations on drug and alcohol testing policy and other pertinent matters.
- (8) Evaluates the effectiveness of the DOE substance abuse testing program.

- d. Heads of Departmental Elements.
 - (1) Identify the employees in TDPs.
 - (2) Concur in determinations that employees who have undergone rehabilitation should be returned to his/her sensitive duties. This responsibility may not be delegated further than the principal deputy level.
 - (3) Concur in determinations that the reasonable suspicion criteria for testing have been met. This responsibility may not be delegated further than the principal deputy level.
 - (4) Designate the local Substance Abuse Program Coordinator
- e. Local Substance Abuse Program Coordinators.
 - (1) Issue written notices to employees in TDPs and maintain the acknowledgement receipt.
 - (2) Coordinate the scheduling of all testing for their offices. Provide positive test results from the MRO to the applicable supervisor and as necessary, to the employee/applicant, other management officials, the EAP counselor and/or SAP Coordinator.
 - (3) Report positive drug and alcohol test results to the Departmental Substance Abuse Program Manager, and report the results for all positive pre-employment/applicant tests to the appropriate servicing Human Resources Office (HRO) and personnel security officials if the applicants have security clearances/access authorizations.
 - (4) Provide written notifications to employees through the applicable supervisor of positive test results.
 - (5) Maintain a local database of TDPs, employees in those positions, and supervisors of those employees.
 - (6) Notify the Departmental Substance Abuse Program Manager of changes in TDP employees in the local database.
 - (7) Ensure the removal and, if subsequently warranted, the reinstatement of the names of employees in the local database.
 - (8) Assist supervisors in administering the execution of a “Substance Abuse Acknowledgement” document.
 - (9) Provide assistance and guidance to supervisors and management officials when determinations are required for reasonable suspicion and post accident testing.

- (10) Provide or secure training for supervisors and managers about the drug and alcohol testing program and the need to maintain confidentiality regarding testing and test results.

f. Employee Assistance Program (EAP) Counselors.

- (1) Ensure that employees who have tested positive are offered the opportunity to participate in the EAP.
- (2) Monitor the results of counseling and rehabilitation activities in order to inform supervisors and the local Substance Abuse Program Coordinator of an employee's status.

g. Substance Abuse Professional (SAP) Coordinators (for DOT-regulated testing).

- (1) Provide a comprehensive assessment and clinical evaluation to determine the level of assistance the employee needs in resolving problems associated with alcohol use or prohibited drug use.
- (2) Serve as a referral source to assist the employee's entry into an acceptable program that best provides the recommended assistance.
- (3) Provide a follow-up evaluation with the employee to determine if the individual has successfully complied with requirements.
- (4) Provide EAP counselor and/or Local Substance Abuse Program coordinators with updates as needed.

h. Managers and Supervisors.

- (1) Ensure employees are available and direct them to report for scheduled testing.
- (2) Identify, justify, and recommend employees for reasonable suspicion testing.
- (3) Identify employees who should be tested following accidents or incidents, request concurrence from the head of the Departmental element or designee, and provide information to the local Substance Abuse Program Coordinator. This responsibility may not be delegated further than the principal deputy level.
- (4) Respond to grievances related to the testing program.
- (5) Consult with the local EAP counselor and the organization's servicing HRO before taking action following the determination of an employee's use of illegal drugs or alcohol abuse.

- (6) Implement decisions on removal from sensitive duties, leave, and discipline as a result of an employee's positive test result and/or request for EAP counseling or rehabilitation due to substance abuse.
 - (7) Recommend that an employee removed from sensitive duties be returned to those duties when he/she successfully completes a rehabilitation program.
 - (8) Maintain the confidentiality of test results and discuss this and related information only with those who have a need to know.
- i. Medical Review Officer.
 - (1) Complies with the requirements of the SAMHSA mandatory guidelines and/or DOT regulations.
 - (2) Reviews all drug tests reported by the certified laboratory and report the results to the Substance Abuse Program Manager or the Local Substance Abuse Program Coordinator.
 - (3) Reports summaries of all activities and findings to the Departmental Substance Abuse Program Manager, as required.
 - j. Certified Breath Alcohol Technicians (BAT).
 - (1) Comply with the DOT regulations.
 - (2) Report test results to the local Substance Abuse Program Coordinator.
 - k. Employees or Applicants Subject to Testing.
 - (1) Comply with the instructions provided by local Substance Abuse Program Coordinator and /or applicable supervisors or servicing personnel office.
 - (2) Report to the clinic or collection location at the appropriate time.
6. DEFINITIONS.
- a. Collection Site. A place where individuals present themselves for the purpose of providing urine or breath specimens to be analyzed. The collection site must possess all necessary personnel, materials, equipment, facilities, and supervision to provide for collection in privacy and provide for security, temporary storage, and transportation of urine specimens to a drug testing laboratory as established by contractual obligation in compliance with SAMHSA mandatory guidelines or DOT Regulations.
 - b. Positive Test Results. As reported by the MRO in accordance with the cutoff

levels as established by SAMHSA mandatory guidelines and DOT regulation for positive drug test.

- c. Negative-Dilute. A negative test result as reported by the MRO with weight and creatinine values lower than expected but still within the physiologically producible range of human urine. Another specimen must be collected immediately.
- d. Random Testing. Is unannounced testing of employees in TDP who have been selected using a random sampling techniques by the Departmental Substance Abuse Program Manager.
- e. Reasonable Suspicion. An articulated belief drawn from specific and particularized facts and reasonable inferences from those facts that an employee used illegal drugs or abused alcohol.
- f. Follow-up Testing. A test conducted after an employee has tested positive or admitted to illegal drug use or alcohol abuse. It is an observed collection and may be conducted at any time and frequency.

7. REFERENCES.

- a. 5 United States Code (U.S.C.) 552a, Records maintained on individuals, describes the protection of employee records under the Privacy Act (see <http://www4.law.cornell.edu/uscode/>).
- b. 5 U.S.C. 7301, Notes, established appropriations to support the Federal Drug Free Workplace Program (see <http://www4.law.cornell.edu/uscode/>).
- c. Title V of Public Law (P.L.) 102-143, Omnibus Transportation Employee Testing Act of 1991, established the substance abuse testing for transportation workers (i.e., CDL holders) (see <http://thomas.loc.gov/bss/d102/d102laws.html>).
- d. Title XXXII of P.L. 106-65, National Nuclear Security Administration Act, as amended, established a separately organized agency within DOE (see <http://thomas.loc.gov/bss/d106/d106laws.html>).
- e. 10 Code of Federal Regulations (CFR) 712, Human Reliability Program, established the DOE HRP and the substance abuse testing requirements for the employees in the HRP (see <http://cfr.law.cornell.edu/cfr/>).
- f. 49 CFR Part 40, Procedures for transportation workplace drug testing programs, established testing program requirements for the substance abuse testing of transportation workers (i.e., CDL holders) (see <http://cfr.law.cornell.edu/cfr/>).

- g. 49 CFR 382, Controlled substances and alcohol use and testing, established programs designed to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by drivers of commercial motor vehicles, i.e., CDL holders (see <http://cfr.law.cornell.edu/cfr/>).
 - h. Executive Order 12564, Drug-Free Federal Workplace, September 15, 1986, required agencies to establish a drug-free workplace program (see http://www.archives.gov/federal_register/codification/executive_order/12564.html).
 - i. Mandatory Guidelines for Federal Workplace Drug Testing Programs (SAMHSA) established technical collection procedures for drug testing programs and standards for certification for drug testing laboratories (see <http://www.gpo.gov/fdsys/pkg/FR-2008-11-25/html/E8-26726.htm>).
 - j. Medical Review Officer Manual for Federal Workplace Drug Testing Programs, DHHS, CSAP; October 1, 2010, established the role and responsibilities of the MRO. (see http://workplace.samhsa.gov/DrugTesting/pdf/MRO_Manual_2010_100908.pdf).
 - k. Health and Human Services 2010 Guidance for Selection for Testing Designated Position (TDP) (see <http://workplace.samhsa.gov/pdf/2010%20Guidance%20for%20the%20Selection%20of%20TDPs%20Final%20Version%20April%205%202010%20508%20Compliant.pdf>).
 - l. DOE O 342.1, *Grievance Policy and Procedures*, dated 02-02-2006, will provide guidance on processing grievances associated with the substance testing program.
 - m. DOE Order 3750.1, *Workforce Discipline*, dated 3-23-83, provides guidance on dealing with a positive test result (see <http://www.directives.doe.gov/pdfs/doe/doetext/oldord/3750/o37501c6.pdf>). (Note: Currently being updated.)
8. CONTACT. Questions concerning this Order should be addressed to the Office of Human Capital Management, 202-586-8585.

BY ORDER OF THE SECRETARY OF ENERGY

TESTING DESIGNATED POSITIONS (TDPs)

EMPLOYEE CATEGORIES, SENSITIVITY CODES, AND ANNUAL TESTING RATES

1. Positions Involving National Security. This category includes positions where the employee has a security clearance. These positions include those employees with a secret, top secret, or “L” or “Q” security clearance. These positions involve access to sensitive information or facilities; therefore, it is reasonable to assume that employees in such positions may damage the country’s national interests if compromised. This category is divided into subcategories, called sensitivity codes, of employees as described below. Employees in subcategories A and C are subject to the 30 percent annual testing rate while employees in subcategories D are subject to the 100 percent annual testing rate. Employees in subcategory D will also be subject to alcohol testing as part of the substance abuse testing program.

<u>Sensitivity Code</u>	<u>Description</u>
A	Employees who have a Secret, Top Secret, or “L” or “Q” clearance.
B	(Reserved)
C	Employees who have unescorted or unrestricted access to Category A nuclear reactor control rooms and/or access to Category I quantities of special nuclear material.
D	Employees who are in the Human Reliability Program (HRP). This code is to take precedence over code A or C for employees in the HRP.
E	(Reserved)

2. Positions Involving Public Health or Public Safety. This category includes positions filled by employees having health and safety responsibilities, usually involving a potentially dangerous instrument or machine that could cause immediate, substantial physical injury to the public if carried out under the influence of drugs. Also included are medical positions that provide direct patient care and positions that involve work where mistakes are life-threatening and in which instant judgments are required with little opportunity for review. This category is divided into subcategories of employees as described below. Employees in all subcategories in this group are subject to the 30 percent annual testing rate. However, employees in subcategories H and I may be subject to a higher testing rate as required by DOT Regulations.

<u>Sensitivity Code</u>	<u>Description</u>
F	Employees who are authorized to carry firearms.

G	Employees who have access to firearms.
H	Employees who serve as members of aviation flight crews.
I	Aviation personnel, including flight attendants, flight instructors, ground instructors, flight testing personnel, aircraft dispatchers, maintenance personnel, and aviation security and screening personnel.
J	Medical doctors and allied medical personnel who are responsible for direct patient care and who prescribe or administer drugs.
K	Employees who serve as direct service staff of alcohol and drug counseling programs.
L	Firefighters.

3. Positions filled by Presidential Appointees. This category is divided into subcategories as described below. All employees in this category are subject to the 30 percent annual testing rate.

<u>Sensitivity Code</u>	<u>Description</u>
M	Employees who are appointed by the President and confirmed by the Senate
N	(Reserved)

4. Positions Involving Law Enforcement. This category includes law enforcement personnel with close proximity to criminals. In DOE only one subcategory is included in this category. All employees in this category are subject to the 30 percent annual testing rate.

<u>Sensitivity Code</u>	<u>Description</u>
O	Criminal Investigators

5. Positions Involving the Construction, Operation, and Maintenance of Transportation or Major Electrical Equipment. This category includes all employees who are required to maintain commercial driver's licenses (CDLs) and/or employees who work in some field of high voltage electricity area (construction, maintain, dispatch, operation or control electrical equipment or facilities). This category is divided into subcategories of employees as described below. Employees in subcategories P and Q are subject to 30 percent annual testing rate or as required by DOT regulations. Employees in subcategories R and S are subject to the 30 percent annual testing rate while employees in subcategory U are subject to the 100 percent annual testing rate, as they are also

included in the HRP. All CDL holders are subject to alcohol testing under DOT regulations.

<u>Sensitivity Code</u>	<u>Description</u>
P	Employees who operate motor vehicles carrying passengers under 5 CFR 930.102.
Q	Employees who operate commercial motor vehicles and who are required to have a CDL under 49 CFR 391.85. This code is to take precedence over all other codes that could be assigned to this group of employees except those covered by subcategory U.
U	Employees who are in the HRP who operate commercial motor vehicles and who are required to have a CDL under 49 CFR 391.85. This code is to take precedence over all other codes that could be assigned to HRP employees.
R	Employees who maintain or construct high voltage (600 volts or higher) electrical equipment or facilities.
S	Employees who are involved in dispatching, controlling, or the operation of high voltage (600 volts or higher) electrical equipment or facilities.

7. Other Sensitive Positions. Only one subcategory is included in this category. All employees in this category are subject to the 30 percent annual testing rate.

<u>Sensitivity Code</u>	<u>Description</u>
T	Employees who are not specifically included in one of the other categories that involves public health, safety, or national security, including a supervisor or program manager who directs or oversees an employee in one of those categories. This category may include positions previously approved that didn't fall in another category or management-initiated determinations approved by the Secretary.

8. Positions Filled by Volunteers. Only one subcategory is included in this category. All employees in this category are subject to the 30 percent annual testing rate.

<u>Sensitivity Code</u>	<u>Description</u>
V	Employees who are not in TDPs and who request to participate in random drug testing. Such employee-initiated requests do not

need Secretarial approval.