

PC Portal ID:	D18-08-001	PC Published:	05/17/2019	Request Received:	08/22/2018
Requestor:	Clifford Nunn		Field Element:	Pittsburgh Naval Reactors Office	
Notes:	None				

Subject: The meaning of the term “Assignment” in 10 CFR part 707

Questions:

- 1) When there is a transition in Management and Operating (M&O) contractors at a DOE site, does a current DOE contractor employee, in a testing designated position (TDP), need to be drug tested prior to commencing work in the same TDP with the new M&O contractor [The employee will be working in the same capacity for the new M&O]?
- 2) Does a current DOE contractor employee, in a TDP, need to be drug tested when applying or when assignment to a new TDP?

Background Information:

We are seeking clarification on the meaning of the word “assignment” from a testing perspective in 10 CFR 707. Specifically, § 707.8 Applicant drug testing reads “An applicant for a testing designated position will be tested for the use of illegal drugs before final selection for employment or assignment to such a position”.

We consider that the intent for contractor personnel is that a contractor individual selected for a testing designated position (even if already in a different testing designated position with the same contractor at the same site) must be tested at the time that person is selected for or assigned to the new testing designated position.

Policy Clarifications:

- 1) No. Typically the new M&O contractor will extend job offers for a permanent position to current contractor employees during contract transitions. Therefore, the employee is not considered an applicant nor is the transition of the M&O considered a reassignment.
- 2) Yes, 10 CFR 707.8, *Applicant drug testing* provides that an applicant for a testing designated position will be tested for the use of illegal drugs before final selection for employment or assignment to such a position.

Applicable Regulations:

- 1) 10 CFR 707.8, *Applicant drug testing*

Additional Information:

None

Concurrence:

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HQ POC:	None	NA

Approval:

Approved May 16, 2019 by James R. Dillard, Director, Worker Safety and Health Policy and updated to the new policy clarification response format and style on September 1, 2022.