

confirmed test results, as well as information concerning test results in the aggregate.

(c) Unless otherwise approved by DOE, the contractors shall ensure that all laboratory records relating to positive drug test results, including initial test records and chromatographic tracings, shall be retained by the laboratory in such a manner as to allow retrieval of all information pertaining to the individual urine specimens for a minimum period of five years after completion of testing of any given specimen, or longer if so instructed by DOE or by the contractor. In addition, a frozen sample of all positive urine specimens shall be retained by the laboratory for at least six months, or longer if so instructed by DOE.

(d) The contractor shall maintain as part of its medical records copies of specimen chain of custody forms.

(e) The specimen chain of custody form will contain the following information:

- (1) Date of collection;
- (2) Tested person's name;
- (3) Tested employee/applicant's social security number or other identification number unique to the individual;
- (4) Specimen number;
- (5) Type of test (random, applicant, occurrence, reasonable suspicion, follow-up, or other);
- (6) Temperature range of specimen;
- (7) Remarks regarding unusual behavior or conditions;
- (8) Collector's signature; and
- (9) Certification signature of specimen provider certifying that specimen identified is in fact the specimen the individual provided.

§707.17 Permissible actions in the event of contractor noncompliance.

Actions available to DOE in the event of contractor noncompliance with the provisions of this part or otherwise performing in a manner inconsistent with its approved program include, but are not limited to, suspension or debarment, contract termination, or reduction in fee in accordance with the contract terms.

PART 708—DOE CONTRACTOR EMPLOYEE PROTECTION PROGRAM

Subpart A—General Provisions

Sec.

- 708.1 What is the purpose of this part?
- 708.2 What are the definitions of terms used in this part?
- 708.3 What employee complaints are covered?
- 708.4 What employee complaints are not covered?
- 708.5 What employee conduct is protected from retaliation by an employer?
- 708.6 What constitutes "a reasonable fear of serious injury?"
- 708.7 What must an employee do before filing a complaint based on retaliation for refusal to participate?
- 708.8 Does this part apply to pending cases?
- 708.9 When is a complaint or other document considered to be "filed" under this part?

Subpart B—Employee Complaint Resolution Process

- 708.10 Where does an employee file a complaint?
- 708.11 Will an employee's identity be kept confidential if the employee so requests?
- 708.12 What information must an employee include in a complaint?
- 708.13 What must an employee do to show that all grievance-arbitration procedures have been exhausted?
- 708.14 How much time does an employee have to file a complaint?
- 708.15 What happens if an employee files a complaint under this part and also pursues a remedy under State or other law?
- 708.16 Will a contractor or a labor organization that represents an employee be notified of an employee's complaint and be given an opportunity to respond with information?
- 708.17 When may DOE dismiss a complaint for lack of jurisdiction or other good cause?
- 708.18 How can an employee appeal dismissal of a complaint for lack of jurisdiction or other good cause?
- 708.19 How can a party obtain review by the Secretary of Energy of a decision on appeal of a dismissal?
- 708.20 Will DOE encourage the parties to resolve the complaint informally?

Subpart C—Investigation, Hearing and Decision Process

- 708.21 What are the employee's options if the complaint cannot be resolved informally?

§ 708.1

- 708.22 What process does the Office of Hearings and Appeals use to conduct an investigation of the complaint?
- 708.23 How does the Office of Hearings and Appeals issue a report of investigation?
- 708.24 Will there always be a hearing after a report of investigation is issued?
- 708.25 Who will conduct the hearing?
- 708.26 When and where will the hearing be held?
- 708.27 May the Hearing Officer recommend mediation to the parties?
- 708.28 What procedures govern a hearing conducted by the Office of Hearings and Appeals?
- 708.29 What must the parties to a complaint prove?
- 708.30 What process does the Hearing Officer follow to issue an initial agency decision?
- 708.31 If no hearing is conducted, what is the process for issuing an initial agency decision?
- 708.32 Can a dissatisfied party appeal an initial agency decision?
- 708.33 What is the procedure for an appeal?
- 708.34 What is the process for issuing an appeal decision?
- 708.35 How can a party obtain review by the Secretary of Energy of an appeal decision?
- 708.36 What remedies for retaliation may be ordered in initial and final agency decisions?
- 708.37 Will an employee whose complaint is denied by a final agency decision be reimbursed for costs and expenses incurred in pursuing the complaint?
- 708.38 How is a final agency decision implemented?
- 708.39 Is a decision and order implemented under this regulation considered a claim by the government against a contractor or a decision by the contracting officer under sections 6 and 7 of the Contract Disputes Act?
- 708.40 Are contractors required to inform their employees about this program?
- 708.41 Will DOE ever refer a complaint filed under this part to another agency for investigation and a decision?
- 708.42 May the deadlines established by this part be extended by any DOE official?
- § 708.43 Does this rule impose an affirmative duty on DOE contractors not to retaliate?

AUTHORITY: 42 U.S.C. 2201(b), 2201(c), 2201(i), and 2201(p); 42 U.S.C. 5814 and 5815; 42 U.S.C. 7251, 7254, 7255, and 7256; and 5 U.S.C. Appendix 3.

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10 CFR Ch. III (1–1–05 Edition)

Subpart A—General Provisions

§ 708.1 What is the purpose of this part?

This part provides procedures for processing complaints by employees of DOE contractors alleging retaliation by their employers for disclosure of information concerning danger to public or worker health or safety, substantial violations of law, or gross mismanagement; for participation in Congressional proceedings; or for refusal to participate in dangerous activities.

§ 708.2 What are the definitions of terms used in this part?

For purposes of this part:

Contractor means a seller of goods or services who is a party to:

(1) A management and operating contract or other type of contract with DOE to perform work directly related to activities at DOE-owned or -leased facilities, or

(2) A subcontract under a contract of the type described in paragraph (1) of this definition, but only with respect to work related to activities at DOE-owned or -leased facilities.

Day means a calendar day.

Discovery means a process used to enable the parties to learn about each other's evidence before a hearing takes place, including oral depositions, written interrogatories, requests for admissions, inspection of property and requests for production of documents.

DOE Official means any officer or employee of DOE whose duties include program management or the investigation or enforcement of any law, rule, or regulation relating to Government contractors or the subject matter of a contract.

EC Director means the Director of the Office of Employee Concerns at DOE Headquarters, or any official to whom the Director delegates his or her functions under this part.

Employee means a person employed by a contractor, and any person previously employed by a contractor if that person's complaint alleges that employment was terminated for conduct described in § 708.5 of this subpart.