National Capital Region Medical Directorate
IMPLEMENTATION GUIDANCE

NATIONAL CAPITAL REGION MEDICAL

OCT 29 2015

SUBJECT: Defense Health Agency Drug-Free Workplace Program

References: See Enclosure 1

1. PURPOSE. This Defense Health Agency (DHA) National Capital Region Medical Directorate Implementation Guidance (NCR MD-IG), based on the authority and guidance of Reference (a), establishes NCR MD's objectives, policies, procedures, and implementation guidelines supporting the implementation and management of a DHA NCR Drug Free Workplace Program (known as the "Program"), to achieve a drug-free Federal workplace consistent with References (a) through (t).

2. APPLICABILITY. This IG applies to:

   a. NCR MD federal civilians assigned permanent duties at NCR MD to include Walter Reed National Military Medical Center to include the DiLorenzo Tricare Health Clinic, the Tri-Service Dental Clinic, National Intrepid Center of Excellence and the Integrated Referral Management and Appointing Center, Fort Belvoir Community Hospital to include Dumfries and Fairfax Clinics, and the Joint Pathology Center, Eligibility for coverage under this IG will be determined as follow:

      1) The DHA received concurrence from the Interagency Coordinating Group, Executive Committee (convened by the Office of National Drug Control Policy and including representatives of the Department of Health and Human Services (HHS), the Department of Justice (DoJ), and the Office of Personnel Management (OPM)) for the NCR MD testing drug positions (TDPs). This concurrence gives the NCR MD the authority to begin random testing of these TDPs and to conduct a number of random tests annually that is equivalent to 50 percent of the full-time equivalents in the TDPs.

3. POLICY. It is NCR MD policy pursuant to References (a) through (t) that the Directorate offers a helping hand while clearly communicating that use of illegal drugs will not be tolerated in the NCR MD. The Program was developed by DHA to provide a drug-free workplace program appropriate to NCR MD's mission and work force. The Program is based on a government-wide Model Program for a Comprehensive Drug-Free Workplace Program that was developed under the joint auspices of HHS, DoJ, and OPM.

   a. Statement of Policy.

      1) NCR MD, is a Directorate that operates under the authority, direction, and control of the Defense Health Agency, Assistant Secretary of Defense for Health Affairs.

2) The NCR MD is committed to the well-being of, and the delivery of high-quality health care for, all its beneficiaries, and has a critical and compelling obligation to eliminate illegal drug use from its workplace.

3) The mark of a successful drug-free workplace program depends on how well NCR MD can inform its employees of the professional and personal hazards of drug use, and on how much assistance it can provide drug users. Equally important is the assurance to employees that personal dignity and privacy will be respected in reaching NCR MD's goal of a drug-free workplace. Therefore, this IG includes procedures for: (1) employee assistance, (2) supervisory training, (3) employee education, and (4) identification of illegal drug use through drug testing using a carefully controlled and monitored basis.

b. Nature, Frequency, and Type of Drug Testing.

1) The DHA requires that the Program specify the nature, frequency, and type of drug testing to be instituted. The Program includes the following types of drug testing: (1) applicant testing, (2) random testing of those employees in sensitive positions that have been designated as TDPs, (3) reasonable suspicion testing, (4) accident or unsafe practice testing, (5) voluntary testing, and (6) testing as part of or as a follow-up to counseling or rehabilitation.

2) The frequency of testing for random testing, voluntary testing, and follow-up testing is specified in paragraph (6) and paragraphs (9b) and (9c) of Enclosure 3. Consistent with applicable law and bargaining obligations, The Director, NCR MD, reserves the right to increase or decrease the frequency of testing based on the NCR MD's mission, need, availability of resources, and experience in the Program, consistent with the obligation to achieve a drug-free workplace under Reference (b).

c. Drugs for which Individuals are tested. NCR MD is required to specify the drugs for which individuals shall be in compliance with this requirement. The DHA has determined that NCR MD employees will be tested for marijuana, cocaine, amphetamines, opiates, and phencyclidine (PCP).

4. RESPONSIBILITIES. See Enclosure 2.

5. PROCEDURES. See Enclosure 3.

6. INFORMATION REQUIREMENTS. See Enclosure 4.

7. RELEASABILITY. **Not cleared for public release**. This IG is available to NCR MD employees with Common Access Card authorization on the NCR Intranet.

8. EFFECTIVE DATE. This IG:

a. Is effective upon signature; and certification by HHS in accordance with Reference (e).

b. Will expire 10 years from the date of signature if it has not been reissued or cancelled before this date in accordance with DoD Instruction 5025.01 (Reference (t).

SCOTT F. WARDELL
Director for Business Operations
By Direction of the Director

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ENCLOSURE 1

REFERENCES

(a) Defense Health Agency Administrative Instruction 34, "Drug Free Workplace Program," January 2015
(b) Executive Order 12564, "Drug-free Federal Workplace," September 15, 1986
(c) Department of Health and Human Services 2013 Guidance for Selection of Testing Designated Positions (TDPs), May 6, 2013
(d) Section 503 of the Supplemental Appropriations Act of 1987, Public Law (Pub. L.) 100-71, 101 Statute (Stat.) 391, 468-471, codified at Title 5, United States Code (U.S.C.), Section 7301 note (1987)
(e) Sections 523 and 527 of the Public Health Service Act and implementing regulations at Title 42, Code of Federal Regulations (CFR), Part 2, Confidentiality of Alcohol and Drug-Abuse Patient Treatment Records
(f) Civil Service Reform Act of 1978, Pub. L. 95-454
(g) Title 42, U.S.C., Sec. 290ee-1
(h) Title 42, U.S.C., Sec. 290dd-2
(i) Mandatory Guidelines for Federal Workplace Drug Testing Programs, which includes Scientific and Technical Requirements and Certification of Laboratories Engaged in Urine Drug Testing, Title 53, Federal Register, 11970 (1988), as revised
(j) The Privacy Act of 1974 (Title 5, U.S.C., Sec. 552a)
(k) Executive Order 10450, "Security Requirements for Government Employment," April 27, 1953
(l) Executive Order 12356, "National Security Information," April 2, 1982
(m) Title 5, U.S.C., Sec. 8331(20)
(n) Title 5, U.S.C., Sec. 8401(17)
(o) Title 5, U.S.C., Sec. 7103(a) (10)
(p) DoD 5400.11-R, Regulations Implementing the Privacy Act of 1974 for NCR, May 14, 2007
(q) Federal Employees Substance Abuse Education and Treatment Act of 1986, Pub. L. 99-570
(r) DoD Instruction 1010.09, "DoD Civilian Employee Drug-Free Workplace Program," June 22, 2012
(s) NCR MD Employee Assistance Program Administrative Instruction 1426.01,
(t) DoD Instruction 5025, "DoD Issuances Program," June 6, 2014, as amended

ENCLOSURE 2

RESPONSIBILITIES

1. FIELD DRUG PROGRAM COORDINATOR. The NCR MD will have a Field Drug Program Coordinator assigned to carry out the purposes of this program. The Field Drug Program Coordinator will be responsible for the administration and managing the Program for NCR MD. The Field Drug Program Coordinator shall serve as the principal contact with the laboratory and for collection activities in assuring the effective operation of the testing portion of the Program. In carrying out his/her responsibilities, the Field Drug Program Coordinator shall, among other duties:

   a. Arrange for all testing authorized under this IG.

   b. Ensure that all employees subject to random testing receive individual notice, as described in Enclosure 3 prior to implementation of the Program, and that such employees return a signed acknowledgment of receipt form.

   c. Document, through written DHA inspection reports, all results of laboratory inspections conducted.

   d. Coordinate with and report to the DHA Program Manager/Drug Program Coordinator on activities and findings that may affect the reliability or accuracy of laboratory results.

   e. In coordination with the Employee Assistance Program (EAP) and in accordance with Reference (s) the Coordinator will publicize and disseminate drug program educational materials and oversee training and education sessions regarding drug use and available EAP services.

   f. Coordinate all Field Drug Program Coordinator duties in the MTFs and Centers wherever possible to conserve resources and to efficiently and speedily accomplish reliable and accurate testing objectives.

2. NCR MD EAP COORDINATOR. The NCR MD EAP Coordinator:

   a. Implement and operate the EAP within the NCR MD.

   b. In coordination with EAP Liaisons, provide EAP education, literature and EAP representative's contact number, 1-800-222-0364, to all employees referred by their supervisors or on self-referral to ensure all employees are given the opportunity for substance abuse counseling and rehabilitation.

   c. Coordinate with the MTFs, Center Directors, the Medical Review Officer and supervisors, as appropriate.

d. Work with the Drug Program Coordinator to ensure employees are provided EAP educational materials and information on how to contact a counselor for appointments.

e. Provide guidance and assistance to Field Drug Program Coordinator, EAP Liaisons, Human Resources Liaisons, Supervisors, and other senior leaders on EAP program administration and available services.

f. Ensure the referred treatment and rehabilitation facilities are staffed with experienced and professional personnel through an evaluation of professional credentials, education, and experience review conducted by Federal Occupational Health (FOH).

g. Evaluate and assess the EAP and report annually to the Director, NCR MD on the status of the program IAW confidentiality requirements.

h. Effectively publicize the EAP and services offered for substance abuse counseling.

3. EMPLOYEE ASSISTANCE COUNSELORS. The Employee Assistance Counselors :

a. After employee is referred by an EAP representative, the counselor serves as the initial point of contact for employees who ask or are referred for counseling.

b. Be familiar with all applicable laws and regulations, including drug treatment and rehabilitation insurance coverage available to employees through the Federal Employee Health Benefits Program.

c. Meet qualifications as determined by the FOH EAP Administrator and be trained in counseling employees with substance abuse, and in identifying drug use.

d. Document and sign the treatment program prescribed for employee referred for treatment. After obtaining the employee's signature on this document, the FOH EAP counselor maintains all confidential information on the employee to document clinical activities, and to monitor employee's progress.

e. Coordinate with the EAP Coordinator when making referrals and consider the following factors:

1) Nature and severity of the problem
2) Location of the treatment
3) Cost of the treatment
4) Intensity of the treatment environment
5) Availability of inpatient/outpatient care
6) Other special needs, such as transportation and child care, and
7) The preferences of the employee

4. MEDICAL REVIEW OFFICER. The NCR MD shall have a Medical Review Officer (MRO) assigned by DHA to carry out the purposes of this IG. The MRO shall, among other duties:

   a. Receive all laboratory test results.

   b. Assure that an individual who has tested positive has been afforded an opportunity to discuss the test result in accordance with paragraph 10 of Enclosure 3.

   c. Consistent with confidentiality requirements, refer written determinations regarding all verified positive test results to the appropriate NCR MD official, with all relevant documentation and a summary of findings.

   d. Confirm with the appropriate personnel official whether an individual who has been tentatively selected for employment with the NCR MD has obtained a verified positive test result.

   e. Coordinate with and report to the NCR Field Drug Program Coordinator on all activities and findings on a regular basis.

5. SUPERVISORS. Supervisors will be trained to recognize and address illegal drug use by employees, and will be provided information regarding referral of employees to the EAP for counseling, procedures and requirements for drug testing, and behavioral patterns that gives rise to a reasonable suspicion that an employee may be using illegal drugs. Except as modified by the MTFs and Center Director to suit specific program responsibilities, first-line supervisors shall:

   a. Attend training sessions on illegal drug-use in the workplace.

   b. Initiate a drug test based on reasonable suspicion as described in paragraph 7 of Enclosure 3.

   c. Upon a finding of illegal drug use, provide employees the EAP contact number, 1-800-222-0364, to speak with a representative to obtain counseling and rehabilitation.

   d. Initiate appropriate disciplinary action upon a finding of illegal drug use.

   e. In conjunction with personnel specialists, assist higher-level supervisors in evaluating employee performance and/or personnel problems that may be related to illegal drug use. A higher-level supervisor shall review and concur, in advance, with all tests ordered on the basis of a reasonable suspicion in accordance with paragraph 7 of Enclosure 3.

ENCLOSURE 3

PROCEDURES

1. EMPLOYEE ASSISTANCE PROGRAM (EAP):

   a. Function. The NCR MD EAP Coordinator plays a key role in providing employees information on a variety of EAP health and assistance topics such as substance use disorders and stress management. Provide employees opportunity for assistance to stop drug use through FOH EAP counselors. Assist supervisors by providing EAP representatives contact information for employees referred for substance abuse.

   b. EAP shall not be involved in the collection of urine samples or the initial reporting of test results

   c. EAP Counselors will focus on prevention and early intervention. Provide services to include assessments, short-term and long-term solution-focused problem solving, and monitoring and follow-up of progress during and after receiving assistance.

   d. EAP counselors provide management coaching and consultation regarding concerns or issues related to an employee's conduct or performance. Consult with supervisors to assess interpersonal or organizational issues that may be affecting individual performance.

   e. Referral and Availability.

      1) The EAP shall be administered separately from the testing program, and shall be available to all employees without regard to a finding of drug use. The EAP shall provide counseling or rehabilitation for all referrals, as well as education and training regarding illegal drug use. The EAP is available not only to NCR MD employees, but, when feasible, to the families of employees with drug problems, and to employees with family members who have drug problems. However, non-NCR MD employees are financially responsible, and should submit any associated claim to their medical insurance provider.

      2) In the event the employee is not satisfied with the program of treatment or rehabilitation, such employee may seek review of the EAP Counselor's referral by notifying the EAP Coordinator prior to completion of the Program. The decision of the EAP Coordinator shall be final and shall not be subject to further administrative review. Regardless of the treatment program chosen, the employee remains responsible for successful completion of the treatment, and assertions that the counselor failed to consider one or more of the factors in paragraph 4(e) of Enclosure 2 in making a referral shall not constitute either an excuse for continuing to use illegal drugs or a defense against disciplinary action if the employee does not complete treatment.

f. Leave Allowance. Employees shall be allowed up to one hour (or more as necessitated by travel time) of excused absence for each counseling session, up to a maximum of three hours during the assessment/referral phase of rehabilitation. Absences during duty hours for rehabilitation or treatment must be charged to the appropriate leave category in accordance with law and leave regulations.

g. Records and Confidentiality. All EAP operations shall be confidential in accordance with paragraph 4 of Enclosure 4.

h. Structure. The NCR MD is responsible for oversight and implementation of the NCR EAP. Under the terms of the contract between NCR and the FOH agency with HHS, the latter will provide EAP services to NCR MD in support of the drug-free workplace program. Employees and supervisors may contact EAP at 1-(800)-222-0364 to speak with a representative who will refer employees to a counselor within their geographic region.

2. SUPERVISORY TRAINING.

a. Objectives. As supervisors have a key role in establishing and monitoring a drug-free workplace, the DHA shall provide training to assist NCR MD's supervisors and managers in recognizing and addressing illegal drug use by NCR MD employees. The purpose of supervisory training is to understand:

1) Policies relevant to work performance problems, drug use, and the NCR MD EAP.

2) The responsibilities of offering EAP services.

3) How employee performance and behavioral changes should be recognized and documented.

4) The roles of the MRO, medical staff, supervisors, personnel, and EAP personnel.

5) The ways to use the NCR MD EAP.

6) How the EAP is linked to the performance appraisal and disciplinary processes, and

7) The process of reintegrating employees into the workforce.

b. Training. Supervisory training shall be required of all supervisors and may be presented as a separate course, or be included as part of an ongoing supervisory training program. Training shall be provided as soon as possible after a person assumes supervisory responsibility. Training courses should include:

1) Overall NCR MD policy.

2) The prevalence of various employee problems with respect to drugs and alcohol.

3) The EAP approach to handling problems, including the supervisor's role and relationship to EAP.

4) How to recognize employees with possible problems.

5) Documentation of employee performance or behavior.

6) Skills in confronting employees with possible problems.

7) NCR MD procedures for referring employees to EAP.

8) Disciplinary actions and removal from sensitive positions as required by Reference (q).

9) Reintegration of employees into the workforce.

10) Written materials which the supervisor can use at the work site.

3. EMPLOYEE EDUCATION.

a. Objectives. The EAP Coordinator, in accordance with Reference (s), shall offer drug education to all NCR MD employees. Drug education should include training to all levels of the NCR MD organization on:

1) Types and effects of drugs.

2) Symptoms of drug use and the effects on performance and conduct.

3) The relationship of the EAP to drug testing, and

4) Other relevant treatment, rehabilitation, and confidentiality concerns.

b. Means of Education. Drug education activities may include:

1) Distribution of written materials

2) Town Halls, and

3) Employee drug awareness days.

4. NOTICE.

a. General Notice. A general written notice from the MTFs and Center Directors, announcing the testing program, as required by Reference (r) will be provided to all employees no later than 60 days prior to the implementation date of the Program (Appendix 2). The notice shall be provided immediately upon signature approval of this IG by HHS pursuant to Reference (c), and shall explain:

1) The purpose of the Program.

2) That the Program will include both voluntary and mandatory testing.

3) That those who hold positions selected for random testing will also receive an individual notice, prior to the commencement of testing, indicating that their position has been designated a TDP.

4) The availability and procedures necessary to obtain counseling and rehabilitation through the EAP.

5) The circumstances under which testing may occur.

6) That an opportunity will be afforded to submit medical documentation of lawful use of an otherwise illegal drug.

7) That the laboratory assessment is a series of tests which are highly accurate and reliable, and that as an added safeguard, laboratory results are reviewed by the MRO.

8) That positive test results verified by the MRO may only be disclosed to the employee, the EAP Coordinator, the Civilian Human Resources Center (CHRC), and appropriate management officials necessary to process an adverse action against the employee, or a court of law or administrative tribunal in any adverse personnel action.

9) That all medical and rehabilitation records in an EAP will be deemed confidential "patient" records and may not be disclosed without the prior written consent of the patient, an authorizing court order, or otherwise as permitted by Federal law implemented at Reference (e).

b. Individual Notice. Thirty days prior to implementation, in addition to the information provided in the general notice, an individual written notice will be distributed to all employees in TDPs explaining:

1) That the employee's position has been designated a "Testing Designated Position."

2) That the employee will have the opportunity to voluntarily admit to being a user of illegal drugs and to receive counseling or rehabilitation, in which case disciplinary action is not required (see paragraph 5(f) of Enclosure 3).

3) That the employee's position will be subject to random testing no sooner than 30 days following the notice.

c. Signed Acknowledgement. Each employee in a TDP shall be asked to acknowledge in writing that he/she has received and read the notice which states that the their position has been designated for random drug testing, and that refusal to submit to testing will result in initiation of disciplinary action, up to and including dismissal (Appendix 3). If the employee refuses to sign the acknowledgement, the employee's supervisor shall note on the acknowledgement form that the employee received the notice. This acknowledgement, which is advisory only, shall be centrally collected by the CHRC Employee and Labor Relations Branch. An employee's failure to sign the notice shall not preclude testing that employee, or otherwise affect the implementation of this IG since the general 60-days notice will previously have notified all NCR MD employees of the requirement to be drug-free.

d. Administrative Relief. If an employee believes his or her position is not included in the list of approved TDP positions, that employee may file an administrative appeal to the NCR MD Chief, Personnel Branch, The appeal shall be limited to only the issue of whether the employee's position is included in the list of positions approved as Testing Designated Positions by the Interagency Coordinating Group Executive Committee, Substance Abuse and Mental Health Services Administration, Department of Health and Human Services. The appeal must be submitted by the employee, in writing, to the Chief, Personnel Branch, within 15 days of notification, setting forth all relevant information. The Chief, Personnel Branch, shall review the appeal based upon the criteria applied in designating that employee's position as a TDP, and may consult with the employee's supervisor and/or the MTFs and Center Directors.

5. FINDING OF DRUG USE AND DISCIPLINARY CONSEQUENCES.

a. Determination. An employee may be found to use illegal drugs on the basis of any appropriate evidence, including, but not limited to:

1) Direct observation.

2) Evidence obtained from an arrest or criminal conviction.

3) A verified positive test result, or

4) An employee's voluntary admission.

b. Mandatory Administrative Actions. The NCR MD shall refer an employee found to use illegal drugs to the EAP and, if the employee occupies a sensitive position, immediately remove the employee from that position without regard to whether it is a TDP. At the discretion of the MTFs and Center Directors however, and as part of successful

participation in an EAP, an employee may return to duty in a sensitive position if the employee's return would not endanger public health or safety or national security.

c. Range of Consequences. Disciplinary action taken against an employee found to use illegal drugs may include the full range of disciplinary actions, including reducing the employee in pay or grade, or removal. The severity of the action chosen will depend on the circumstances of each case, and will be consistent with Reference (f). NCR MD shall initiate disciplinary action against any employee found to use illegal drugs, but shall not discipline an employee who voluntarily admits to illegal drug use in accordance with paragraph 5(f) of Enclosure 3. Such disciplinary action, consistent with the requirements of any governing collective bargaining agreement, and Reference (h), as well as other applicable statutes, regulation, and DoD or NCR MD directives may include any of the following measures, but, depending on various situational factors, some disciplinary action must be initiated, such as:

1) Suspending the employee for 14 days or less.

2) Suspending the employee for 15 days or more.

3) Suspending the employee until the employee successfully completes the EAP or until the applicable management official, in coordination with the CHRC Labor Management Employee Relations Branch and Legal Counselor , determines that action other than suspension is more appropriate.

4) Reducing the employee in pay or grade.

5) Removing the employee from Federal service.

d. Initiation of Mandatory Removal from Service. NCR shall initiate action to remove an employee for:

1) Refusing to obtain counseling or rehabilitation through an EAP as required by Reference (s) after having been found to use illegal drugs;

2) Not refraining from illegal drug use after a first finding of such use. All letters to propose and decide on a separation action should be worked out in consultation with the CHRC Labor Management Employee Relations Branch.

e. Refusal to Take a Drug Test when Required. An employee who refuses to be tested when so required will be subject to the full range of disciplinary actions, including dismissal. No applicant who refuses to be tested shall be extended an offer of employment. Attempts to alter or substitute the specimen provided will be deemed a refusal to take the drug test when required.

f. Voluntary Referral.

1) Under Reference (f), NCR MD is required to initiate action to discipline any employee found to use illegal drugs in every circumstance except that such discipline is not required for an employee who meets the following conditions: (1) voluntarily admits his or her drug use; (2) completes counseling or an EAP; and (3) thereafter refrains from drug use. A fundamental purpose of the Program is to assist employees who themselves are seeking treatment for drug use. Because Reference (a) permits an agency to create a "safe harbor" for an employee who meets all three of the conditions described, NCR MD has created such a "safe harbor" and will not initiate a disciplinary action against employees who satisfy the provisions of this section; however, if the employee is in a sensitive position, they will be temporarily removed and have their security clearance suspended.

2) The voluntary referral option allows any employee to step forward to identify him/herself as an illegal drug user for the purposes of entering a drug treatment program under the EAP. In stepping forward, consistent with paragraph 9(b) of Enclosure 3, an employee may volunteer for a drug test as a means of self-identification. Although this self-identification test may yield a verified positive test result, such result shall not subject an employee to discipline, assuming the three safe harbor requirements are met.

3) Safe harbor is not available to an employee who requests protection under this provision after: (1) being asked to provide a urine sample in accordance with this program; or (2) having been found to have used illegal drugs pursuant to paragraphs 5(a)(1) and 5(a)(2) of Enclosure 3.

6. RANDOM TESTING. Sensitive Positions Designated for Random Testing. Reference (l) requires random testing for employees in sensitive positions, subject to NCR MD criteria. Testing Designated Positions have been determined by NCR MD and approved by the Interagency Coordinating Group Executive Committee, Substance Abuse and Mental Health Services Administration, department of health and Human Services, Reference (c).

a. Determining the TDP. Factors used in designating a position a TDP include the extent to which the position:

1) Is considered inconsistent with illegal drug use.

2) Is engaged in law enforcement.

3) Must foster public trust by preserving employee reputation for integrity, honesty, and responsibility.

4) Has National Security responsibilities.

5) Has drug interdiction responsibilities, or

6) Has positions which:

a) Authorize employees to carry firearms.

b) Give employees access to sensitive information.

c) Authorize employees to engage in law enforcement.

d) Require employees, as a condition of employment, to obtain a "Top Secret" security clearance, or

e) Require employees to engage in activities affecting public health or safety.

f) These positions are characterized by critical safety or security responsibilities as related to the mission of the NCR MD. The job functions associated with these positions directly and immediately relate to public health and safety, the protection of life and property, law enforcement, or national security. These positions are identified for random testing because they require the highest degree of trust and confidence. The Director, NCR MD reserves the right to recommend and request approval from appropriate authority to add or delete positions determined to be TDPs pursuant to the criteria established in Reference (f) and in accordance with applicable law and this program. Moreover, the Director, NCR MD has determined, pursuant to Reference (c), that all positions which have been or will be designated as TDPs under this program are "sensitive positions" and are therefore exempt from coverage under Reference (r).

b. Implementing Random Testing. In implementing the program of random testing, the Field Drug Program Coordinator shall:

1) Ensure that the means of random selection remain confidential, and

2) Evaluate periodically whether the numbers of employees tested and the frequency with which those tests will be administered satisfy NCR MD's duty to achieve a drug-free work force.

c. Notification of Selection. An individual selected for random testing, and the individual's first-line supervisor, shall be notified the same day the test is scheduled, preferably within two hours of the scheduled testing. The supervisor shall give a written notification (Appendix 5) that explains to the employee that he/she is under no suspicion of taking drugs and that the employee's name was selected randomly.

d. Deferral of Testing. An employee selected for random drug testing may obtain a deferral of testing (Appendix 6) if the employee's first-line and higher-level supervisors concur that a compelling need necessitates a deferral on the grounds that the employee is:

1) In a leave status (sick, annual, administrative, or leave without pay), or

2) In official travel status away from the test site or is about to embark on official travel scheduled prior to testing notification. An employee whose random drug test is deferred will be subject to an unannounced test within the following 60 days.

7. REASONABLE SUSPICION TESTING.

a. Reasonable Suspicion Testing. This may be required of any employee in a position which is designated for random testing when there is reasonable suspicion that the employee uses illegal drugs whether on or off duty. Reasonable suspicion testing may also be required of any employee in any position when there is reasonable suspicion of on-duty use or on-duty impairment. Grounds for reasonable suspicion testing may be based upon, among other things:

1) Observable phenomena, such as direct observation of drug use or possession and/or the physical symptoms of being under the influence of a drug.

2) A pattern of abnormal conduct or erratic behavior.

3) 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.

4) Information provided either by reliable and credible sources or independently corroborated, or

5) Newly discovered evidence that the employee has tampered with a previous drug test.

b. Procedures.

1) If an employee is suspected of using illegal drugs, the appropriate supervisor will gather all information, facts, and circumstances leading to and supporting this suspicion. This information will be presented to the next level supervisor or a higher-level individual above the supervisor making the finding that a reasonable suspicion of illegal drug use exists. The Field Drug Program Coordinator and the NCR MD Office of Legal Counsel shall be informed immediately.

2) When higher-level concurrence (e.g., usually 2nd level supervisor) of a reasonable suspicion determination has been made, the appropriate supervisor will promptly prepare a written report detailing the circumstances which formed the basis to warrant the testing. This report should include the appropriate dates and times of reported drug related incidents, reliable/credible sources of information, rationale leading to the test, and the action taken.

3) Obtaining the Sample. The employee may be asked to provide the urine sample under observation in accordance with the criteria in paragraph 10 of Enclosure 3.

c. Supervisory Training. In accordance with paragraph 2 of Enclosure 3, supervisors will be trained to address illegal drug use by employees, to recognize facts that give rise to a reasonable suspicion, and to document facts and circumstances to support a finding of reasonable suspicion. Failure to receive such training; however, shall not invalidate otherwise proper reasonable suspicion testing.

8. APPLICANT TESTING.

a. Objectives. The testing of candidates for TDPs is mandatory and conducted by the CHRC.

b. Vacancy Announcements. Every vacancy announcement for positions designated for applicant testing shall state: "All applicants tentatively selected for this position will be required to submit to urinalysis to screen for illegal drug use prior to appointment." In addition, each applicant will be notified that appointment to the position will be contingent upon a negative drug test result. Failure of the vacancy announcement to contain this statement notice will not preclude applicant testing if advance written notice is provided to applicants in some other manner (Appendix 1).

c. Procedures. The CHRC shall direct applicants to an appropriate collection facility. The drug test must be undertaken as soon after notification as soon as possible, no later than 48 hours after notice to the applicant. Applicants shall be advised of the opportunity to submit medical documentation that may support a legitimate use for a specific drug and that such information will be reviewed only by the MRO to determine whether the individual is illicitly using an otherwise illegal drug.

d. Personnel Officials. Upon notification that an individual has been tentatively selected for employment with NCR MD, the CHRC shall assure after consultation with the MRO that a drug test has been conducted on that individual and determine the test result is a verified positive result.

e. Consequences. The CHRC will decline to extend a final offer of employment to any applicant with a verified positive test result, and such applicant may not reapply to the NCR MD for a period of six months. The CHRC Specialist working on the applicant's certificate shall be directed to object to the applicant on the basis of failure to pass the physical, due to a lack of personal characteristics necessary for public employment or failure to support the goals of NCR MD. The CHRC shall inform such applicant that a confirmed presence of an illegal drug in the applicant's urine precludes NCR MD from hiring the applicant.

9. ADDITIONALTYPES OF DRUG TESTING.

a. Accident or Unsafe Practice Testing. NCR MD is committed to providing a safe and secure working environment. It also has a legitimate interest in determining the cause of serious accidents so that it can undertake appropriate corrective measures. Post-accident drug testing can provide invaluable information in furtherance of that interest. Accordingly, employees may be subject to testing when, based upon the circumstances of the accident, their actions are reasonably suspected of having caused or contributed to an accident that meets 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 $10,000. If an employee is suspected of having caused or contributed to an accident meeting the above criteria, the appropriate supervisor will present the facts leading to this suspicion to the Field Drug Testing Coordinator for approval. Once approval has been obtained and arrangements made for testing, the supervisor will prepare a written report detailing the facts and circumstances that warranted the testing.

b. Voluntary Testing. In order to demonstrate their commitment to NCR MD's goal of a drug-free workplace, and to set an example for other Federal employees, employees not in TDPs may volunteer for unannounced random testing by notifying their supervisor. The supervisor will inform the Field Drug Program Coordinator. These employees will then be included in the pool of TDPs subject to random testing, and be subject to the same conditions and procedures, including the provisions of paragraph 5(f) of Enclosure 3. Volunteers shall remain in the TDPs pool until they withdraw from participation by notifying their supervisor who will then notify the Field Drug Program Coordinator of such intent at least 48 hours prior to a scheduled test.

c. Follow-up Testing. All employees referred through administrative channels that undergo counseling or a rehabilitation program for illegal drug use through the EAP will be subject to unannounced testing following completion of such a program for a period of one year. Such employees shall be tested at the frequency stipulated in the abeyance contract or, as an alternative, at a minimum of once a month. Such testing is distinct from testing which may be imposed as a component of the EAP. The employee must have a reentry program and a follow-up agreement before returning to work.

10. TEST PROCEDURES IN GENERAL.

a. Mandatory Guidelines for Federal Workplace Drug Testing. NCR MD shall adhere to Reference (c) promulgated by HHS and consistent with the authority granted by Reference (b) and to the requirements of Reference (r). NCR MD's drug testing

component shall have professionally trained collection personnel, quality assurance requirements for urinalysis procedures, and strict confidentiality requirements.

b. Privacy Assured. In accordance with Reference (r), any individual subject to testing under this program shall be permitted to provide urine specimens in private and in a rest room stall or similar enclosure so that the employee is not observed while providing the sample. Collection site personnel of the same gender as the individual tested; however, may observe the individual provide the urine specimen when such personnel have reason to believe the individual may alter or substitute the specimen to be provided. Collection site personnel may have reason to believe that a particular individual may alter or substitute the specimen to be provided when:

1) The individual:

a) Has previously been found by NCR MD to be an illegal drug user, or

b) Has previously tampered with a sample, or

2) Facts and circumstances suggest that the individual is:

a) Is under the influence of drugs at the time of the test, or

b) Has equipment or implements capable of tampering with or altering urine samples, or

3) The specimen:

a) Has a temperature outside the range established in Reference (i), or

b) Shows signs of contaminants.

c. Failure to Appear for Testing. Failure to appear for testing without a deferral will be considered refusal to participate in testing and will subject an employee to the range of disciplinary actions, including dismissal, and an applicant to the cancellation of an offer of employment. If an individual fails to appear at the collection site at the assigned time, the collector shall contact the Field Drug Program Coordinator to obtain guidance on action to be taken.

d. Opportunity to Justify a Positive Test Result. When a confirmed positive result has been returned by the laboratory, the MRO shall perform the duties set forth in Reference (k). For example, the MRO may choose to conduct an interview of the employee, review employee medical history, or review any other, relevant biomedical factors. The MRO must review all medical records made available by the tested employee when a confirmed positive test could have resulted from legally prescribed medication. Evidence to justify a positive result may include, but is not limited to:

1) A valid prescription, or

2) A verification from the individual's physician verifying a valid prescription.

Individuals are not entitled; however, to present evidence to the MRO in a trial-type administrative proceeding, although the MRO has the discretion to accept evidence in any manner the MRO deems most efficient or necessary. If the MRO determines there is no justification for the positive result, such result will then be considered a verified positive test result. The MRO shall immediately contact the EAP Coordinator and appropriate management official upon obtaining a verified positive test result.

e. Employee Counseling and Assistance. While participating in a counseling or rehabilitation program, and at the request of the Program, the employee may be exempted from the random TDPs pool for a period not to exceed 60 days, or for a time period specified in an abeyance contract or rehabilitation program approved by the Director, NCR MD. Upon completion of the Program, the employee immediately shall be subject to follow-up testing pursuant to paragraph 9 (c) of Enclosure 3.

f. Savings Clause. To the extent that any of the procedures specified in this section are inconsistent with any of those specified in Reference (r) or any subsequent amendment thereto, such Reference or amendment shall supersede the procedures specified in this section, but only to the extent of the inconsistency.

ENCLOSURE 4

INFORMATION REQUIREMENTS

1. CONFIDENTIALITY OF TEST RESULTS

   a. The laboratory may disclose laboratory test results only to the MRO or the staff of the MRO. Any positive result which the MRO justifies by acceptable and appropriate medical or scientific documentation to account for the result, other than the intentional ingestion of an illegal drug, will be treated as a negative test result and may not be released for purposes of identifying illegal drug use.

   b. Test results will be protected under the provisions of References (g) and (h) and may not be released. The MRO may maintain only those records necessary for compliance with this IG. Any records of the MRO, including drug test results, may be released to any management official for purposes of auditing the activities of the MRO, except that the disclosure of the results of any audit may not include personal identifying information on any employee.

   c. In order to comply with Reference (p), the results of a drug test of a NCR MD employee may not be disclosed without the prior written consent of such employee, unless the disclosure would be:

      1) To the MRO.

      2) To the EAP Coordinator in which the employee is receiving counseling or treatment or is otherwise participating.

      3) To any supervisory or management official within NCR MD having authority to take adverse personnel action against such employee, or

      4) Pursuant to the order of a court of competent jurisdiction or where required by the United States Government to defend against any challenge against any adverse personnel action.

   d. For purposes of this Section, "management official" includes any management, government, security, or personnel official whose duties necessitate review of the test results in order to process adverse personnel action against the employee. In addition, test results with all identifying information removed shall also be made available to NCR MD personnel, including the Field Drug Program Coordinator, for data collection and other activities necessary to comply with Reference (e).

2. EMPLOYEE ACCESS TO RECORDS. Any employee who is the subject of a drug test will, upon written request, have access to any records relating to:

a. Such employee's drug test, and

b. The results of any relevant certification, review, or revocation-of-certification proceedings, as referred to in Reference (r). One exception applies when as authorized by law an applicant who is the subject of a drug test shall not be entitled to this information.

3. CONFIDENTIALITY OF RECORDS IN GENERAL.

All drug-testing information specifically relating to individuals is confidential and should be treated as such by anyone authorized to review or compile program records. In order to efficiently implement this IG and to make information readily retrievable, the Field Drug Program Coordinator shall maintain all records relating to reasonable suspicion testing, suspicion of tampering with evidence, and any other authorized documentation necessary to implement this order.

4. EAP RECORDS. The FOH maintains all EAP counseling records. The EAP Coordinator shall forward all request for copies of EAP counseling records to FOH when needed to comply with Reference (s). EAP Coordinator does not maintain EAP counseling records. All medical and/or rehabilitation records concerning the employee's drug abuse, including EAP records of the identity, diagnosis, prognosis, or treatment are confidential and may be disclosed only as authorized (Reference (p)), including the provision of written consent by the employee. With written consent, the employee may authorize the disclosure of those records to the employee's supervisor for verification of treatment or for a general evaluation of treatment progress.

5. MAINTENANCE OF RECORDS. NCR MD shall establish or amend a recordkeeping system to maintain the records of the Program consistent with DHA's Privacy Act System of Records and with all applicable Federal laws, rules, and regulations regarding confidentiality of records including Reference (e). The recordkeeping system should capture sufficient documents to meet the operational and statistical needs of this IG, and include:

a. Notices of verified positive test results referred by the MRO.

b. Written materials justifying reasonable suspicion testing or evidence that an individual may have altered or tampered with a specimen.

c. Anonymous statistical reports, and

d. Other documents the Field Drug Program Coordinator, MRO, or EAP Coordinator deems necessary for efficient compliance with this IG.

6. RECORDS MAINTAINED BY GOVERNMENT CONTRACTORS. Any contractor hired to satisfy any part of this IG shall comply with the confidentiality requirements of this order, and all applicable Federal laws, rules, regulations, and guidelines.

7. STATISTICAL INFORMATION.

a. The CHR Labor Management Employee Relations Branch, shall collect and compile anonymous statistical data for reporting the number of:

1) Random tests, reasonable suspicion tests, accident or unsafe practice tests, follow-up tests, or applicant tests administered.

2) Verified positive test results.

3) Voluntary drug counseling referrals.

4) Involuntary drug counseling referrals.

5) Terminations or denial of employment offers resulting from refusal to submit to testing.

6) Terminations or denial of employment offers resulting from alteration of specimens.

7) Terminations or denial of employment offers resulting from failure to complete a drug abuse counseling program, and

8) Employees who successfully completes EAP counseling.

b. This data, along with other pertinent information, shall be compiled for inclusion in the DHA annual report to Congress required by Reference (a). This data shall also be provided to HHS semi-annually to assist in overall program evaluation and to determine whether changes to Reference (c) may be required.

Appendix 1

CONDITION OF EMPLOYMENT FOR CERTAIN CIVILIAN POSITIONS IDENTIIFIED SAFETY-SENSITIVE UNDER THE DEPARTMENT OF DEFENSE RULES ON DRUG AND ALCOHOL TESTING	
1. From	2. To: (Employee name, title, series, grade)

3. NOTICE TO APPLICANT OR CURRENT EMPLOYEE OF RANDOM DRUG TESTING COVERED UNDER THE DEPARTMENT OF DEFENSE RULES ON DRUG AND ALCOHOL TESTING.

A. Your position, or the position for which you have applied, meets the criteria for random drug testing under the Department of Defense Drug-Free Federal Workplace Program. Performance of the duties of your position is sufficiently critical that screening to detect the presence of drugs is warranted as a requirement of your position. It is mandatory for your continued employment in this position that you refrain from the use of illegal drugs and submit to drug testing when directed.

B. If you are an applicant and fail to sign this notice, you will not be selected for the position. If you sign this notice and later in the selection process refuse to submit to drug testing, or if illegal drug use is detected through a verified positive applicant drug test result, you will not be selected for the position. If selected, you will be subject to random drug testing on an unannounced basis as a condition of continued employment.

C. If you are currently in a testing designated position (TDP), you may be subject to random drug testing on an unannounced basis no sooner than 30 days from receipt of this notice.

D. The collection, handling, and testing of the urine sample will be conducted under chain-of-custody procedures established by the Department of Health and Human Services. The procedures used to test the urine specimens are very accurate and tightly monitored to ensure reliable results. The test results will be given an opportunity to submit medical documentation to a designated medical review officer that may support legitimate use of the specific drug(s) before any administrative action is taken.

E. If you refuse to furnish a urine specimen or fail to report for testing as described, you will be subject to the same range of administrative action as a verified positive test result for illegal drug use for failure to meet a condition of employment. If by any means, Illegal drug use is detected, you will be (1) immediately taken out of your TDP through reassignment, detail, or other personnel action to ensure that you do not occupy a TDP, (2) referred to the Employee Assistance Program (EAP), and (3) you may be reassigned, demoted, or separated according to applicable regulations.

F. If you believe you have a drug problem, you are encouraged to seek counseling- under referral services by contacting the EAP at 1-800-222-0364 .

4. ACKNOWLEDGEMENT OF RECEIPT: Your signature below acknowledges that you have read this notice.

a. Employee's Signature	b. DATE (yyyymmdd)

NOTE: If an employee refuses to sign the acknowledgement above, the supervisor must sign below, thereby certifying that a copy of the notice was provided to employee.	
5a. Supervisor's signature	b. Supervisor Telephone and Fax Number
c. Supervisor E-Mail Address	d. DATE (yyyymmdd)

Appendix 2

From: COMMAND (Insert Name)

To: All Civil Service Employees

Subj: NOTICE OF THE DEFENSE HEALTH AGENCY DRUG-FREE WORKPLACE PROGRAM

Ref: (a) Executive Order 12564

1. You are hereby advised that pursuant to Defense Health Agency (DHA) Instruction No. 4, dated January 2015, the Defense Health Agency (DHA) has implemented drug testing as part of the Drug-Free Workplace Program (DFWP). As part of this program, it requires all identified employees to be notified sixty (60) days prior to implementation that the positions they occupy have been identified as requiring drug-testing. This advanced notice is issued so that any employee who requires assistance resulting from drug usage may seek counseling and rehabilitation prior to the expiration of the sixty day notice.

2. For personnel in a position that meets the criteria for designation as a "Testing Designated Position" (TDP), you will receive an additional notification 30 days prior to implementation. This means you are subject to random drug testing under the DOD DFWP. Performance of the duties in your position is sufficiently critical to this activity that screening to detect the presence of drugs is warranted as a condition of employment. It is mandatory for your continued employment in this position that you refrain from the use of illegal drugs and, when directed, submit to drug testing.

3. If you believe you have a drug problem, you are encouraged to seek counseling and/or referral services by contacting the EAP (800-222-0364). If you voluntarily identify yourself to your supervisor or other higher level management official as a user of illegal drugs prior to being identified through other means to include mandatory drug testing, seek counseling and/or rehabilitation assistance, and thereafter refrain from using illegal drugs, you will not be subject to discipline for your prior drug use. This immunity from discipline resulting from self-reporting is referred to as Safe Harbor.

4. All DOD employees, may also be subject to testing due to reasonable suspicion, involvement in an accident or safety mishap, and as part of or follow-up to a rehabilitation and/or counseling program

Director's Signature Block

ACKNOWLEDGMENT OF RECEIPT

I, _____, acknowledge receipt of this letter and have
(PRINT NAME)
read its contents. I understand that I may be selected for random drug testing and also tested when there is reasonable suspicion to believe that I may be using drugs, or as the result of a safety mishap, or as part of or follow-up to rehabilitation. I also understand that refusal to submit to testing will result in initiation of disciplinary action, up to and including removal.

Supervisor's Name _____

_____ _____
Signature Date

Appendix 2

Appendix 3

From: Commander, (Insert Name)

To: Civil Service Employee (Testing Designated Position)

Subj: NOTICE OF RANDOM DRUG TESTING UNDER THE DEPARTMENT OF THE DEFENSE DRUG-FREE WORKPLACE PROGRAM

Ref: (a) Executive Order 12564

1. You are advised that by Defense Health Agency (DHA) Instruction No. 4, dated January 2015,that the Defense Health Agency (DHA) has implemented drug testing as part of the Drug-Free Workplace Program (DFWP). Your position meets the criteria for designation as a "Testing Designated Position" (TDP). This means you are subject to random drug testing under the DHA DFWP. Performance of the duties of your position is sufficiently critical to this activity that screening to detect the presence of drugs is warranted as a requirement of your position. It is mandatory for your continued employment in this position that you refrain from the use of illegal drugs and, when directed, submit to drug testing.

2. No sooner than 30 days from receipt of this notice, you may be subject to random drug testing on an unannounced basis for marijuana, cocaine, opiates, amphetamines, phencyclidine (PCP) and specimen validity testing. You will receive specific instructions concerning when and where the test will be conducted immediately prior to the test. You will be allowed individual privacy while providing the urine specimen unless, as delineated in the DFWP there is reason to believe the specimen will be altered or substituted. To ensure the accuracy of the test result, the collection, handling, and testing of the urine specimen will be conducted under strict chain-of-custody procedures established by the Department of Health and Human Services Guidelines for Federal Workplace Drug Testing Programs. The procedures used to test the urine specimens are very accurate and tightly monitored to ensure reliable results. The test results will be handled with maximum respect for individual confidentiality. In the event your specimen tests non-negative, you will be given an opportunity to submit medical documentation to a designated Medical Review Officer to establish your legitimate use of the specific drug(s) before any administrative action will be taken.

3. If you refuse to furnish a urine specimen, fail to report for testing as directed, substitute or adulterate your specimen, you will be subject to discipline for failure to meet a condition of employment. The range of disciplinary action will be the same as for a verified positive test result for illegal drug use or for failure to meet a condition of employment. If, by any means, illegal drug use is detected, you will be subject to the following two administrative actions mandated by reference (a).

Subj: NOTICE OF RANDOM DRUG TESTING UNDER THE DEFENSE HEALTH AGENCY DRUG-FREE WORKPLACE PROGRAM

a. You will immediately be taken out of your Testing Designated Position (TDP) through reassignment, detail, or other personnel action to ensure that you do not occupy a TDP. You may be restored to your TDP as part of your successful participation in a rehabilitation or counseling program.

b. You will also be referred to the Employee Assistance Program (EAP) as required by reference (a).

4. In addition, disciplinary action up to and including removal from the Federal Service will be initiated. As required in the Executive Order, a removal action will be initiated if you refuse to obtain counseling or rehabilitation through the EAP after being found to use illegal drugs or for a second finding of illegal drug use.

5. If you believe you have a drug problem, you are encouraged to seek counseling and/or referral services by contacting the EAP 800-222-0364. If you voluntarily identify yourself to your supervisor or other higher level management official as a user of illegal drugs, prior to being so identified through other means such as drug testing, seek counseling and/or rehabilitation assistance, and thereafter refrain from using illegal drugs, you will not be subject to discipline for your prior drug use. This immunity from discipline under these circumstances is referred to as Safe Harbor. It is important to note that once you are informed of an impending drug test, you are no longer eligible for safe harbor. Further, if you are convicted of a drug-related offense, you will not be eligible for safe harbor from discipline for those actions.

6. If you believe your position has been wrongly designated as a TDP, you may request a review of the determination. Such a request must be submitted, in writing, to me (insert address) within 15 days of receipt of this notice. It should state the reasons why you believe that your position should not be a TDP and include all other relevant information. My decision is not subject to further review nor is it grievable under the administrative grievance procedure. If you are a member of a bargaining unit, you must seek review of your position designation through your negotiated grievance procedure, unless the agreement specifically excludes such decisions from the negotiated procedure.

7. As stated in the General Notice announcing the Program, you, as well as all DHA employees, may also be subject to testing due to reasonable suspicion, involvement in an accident or safety mishap, and as part of or follow-up to a rehabilitation and/or counseling program for illegal drug use. When conducting reasonable suspicion, accident, or mishap testing, the DHA may test for any drug listed in Schedule I or II of the Controlled Substances Act, 21 U.S.C. 812, not just the five previously identified in paragraph 2 of this notice.

Director's Signature Block

ACKNOWLEDGMENT OF RECEIPT

I, _____, acknowledge receipt of
(PRINT NAME)
this letter and have read its contents. I understand that I may be selected for random drug testing and also tested when there is reasonable suspicion to believe that I may be using drugs, as the result of a safety mishap, or as part of or follow-up to rehabilitation. I also understand that refusal to submit to testing will result in initiation of disciplinary action, up to and including removal.

Supervisor's Name_____

_____ _____
Signature Date

Appendix 4

ANNEX P
Notification Script

1. This is Mr./Ms. _____, the Field Drug Testing Coordinator.

2. Today we are doing the monthly random urinalysis for the TDPs.

3. Your employee(s) _____ have been randomly selected and must be tested today.

4. If **present** for duty:

   The selected employees must report to the collections site (insert location) within 2 hours from the time you privately notify them.

   I will need your email address or fax number to send you the Supervisor Notification Form. You will initial, date, and annotate the time I notified you at the top of this form. You must ensure that the employee reads and understands this form. The employee must bring the completed form to the collection site along with a photo ID.

5. If **not present** for duty:

   I will need your email address to send you the Supervisor Deferral Form. This form must be complete and emailed to me at ..... within two hours of my notification to you.

   Please ensure that the 2 hour notification is not compromised, make certain that the deferred personnel are not made aware of this selection. A make-up date will be scheduled within 60 days of the selection.

   Reminder: The employee will be placed into the missed test pool and will also remain in the regular monthly testing pool. (They may be tested twice in one month.)

6. Any other questions pertaining to anything other than the above must be addressed by the immediate supervisor of the collection site.

Appendix 5

Supervisor to Employee (TDP) Briefing and Instructions
For Drug-Free Workplace Drug Test

Mr./Ms. _____, YOU HAVE BEEN RANDOMLY SELECTED FOR A URINE DRUG TEST TODAY. PLEASE REPORT TO THE COLLECTION SITE (insert location). THE COLLECTION MUST BE COMPLETED THE DAY YOU ARE NOTIFIED.

NO LATER THAN 2 HOURS AFTER RECEIPT OF THIS NOTIFICATION YOU ARE REQUIRED TO REPORT WITH THIS NOTICE WITH ALL APPROPRIATE INITIALS

NAME OF SUPERVISOR _____ TEL#_____
DATE/TIME_____

DRUG TEST: The collection of your urine will be conducted under the Department of Health and Human Services, Mandatory Guidelines for Federal Workplace Drug Testing Programs procedures required by Executive Order 12564, Drug-Free Federal Workplace. These regulations allow for individual privacy unless there is a reason to believe that a particular individual may alter or substitute the urine specimen is not adulterated or diluted during the collection procedure. Your specimen collection must also follow strict chain of custody and security procedures.

1. Photo identification must be presented at the collection site.

2. You will be asked to remove all unnecessary outer garments, such as a coat, jacket hat, etc. You will be asked to empty your pockets and place the items in a secure safe. You will be asked to keep the key until after the collection is complete. This is to ensure that there are no items present that could be used to adulterate the specimen.

3. All personal belongings (purse, wallet) will remain in the safe until after the collection is complete.

4. You will be provided a sealed collection container or it will be unwrapped in your presence.

5. Your specimen will be provided in the privacy of a stall or partitioned area that allows for individual privacy. You must provide 30 milliliters of urine.

6. After you hand the collection container to the collector, you should keep the specimen in full view at all times until it is poured into the specimen container and sealed with the tamper evident label.

7. If the Collection Site Person has reason to believe at you may have altered or substituted the specimen or that the temperature is outside of the acceptable range, the collector will conduct an observed collection and notify your supervisor.

8. You will be asked to initial the tamper evident (identification) label.

9. You will also be asked to provide information on the Federal Drug Testing Custody and Control Form, on copies 2 through 5 only you will sign this form certifying that the specimen you provided is in fact your specimen. Upon completion you will receive Copy 5 of the Federal Drug Testing Custody and Control Form. Keep this copy for your records. We recommend that you annotate any medications you may be taking in the blank space below on this form for your reference.

10. After the laboratory analysis, the results will be forwarded to the Medical Review Officer (MRO). Prior to making a final decision to verify a positive result to your supervisor, the MRO will give you an opportunity to discuss the test results and submit medical documentation of legally prescribed medications. Negative reports are not reported to the doctor.

SUPERVISOR/INITIAL & DATE/TIME _____ _____

EMPLOYEE/INITIAL & DATE/TIME_____ _____

APPENDIX 6

Supervisor Deferral Letter for the TDP Drug Test

Request that Mr./Ms. _____ civilian urinalysis test be deferred for the below listed reasons:

Deferral of Testing Standards

An employee selected for random drug testing may obtain a deferral of testing if the employee's first-line and second-line supervisor concur that a compelling need necessitates a deferral on the grounds that the employee is:

1. In a leave status (sick, annual, administrative or leave without pay);

   Sick Leave Date/s: _____

   Annual Leave Date/s_____

   Administrative Leave Date/s_____

   Leave Without Pay Date/s_____

2. In official travel status away from the test site or is about to embark on official travel scheduled prior to testing notification:

   TDY Status Date/s_____

   Deployment Date/s_____

3. Working a different Shift:

   Work Shift Time/s_____

4. Performing a task or project that requires that employee's presence at the work-site during the time the test is scheduled. An employee whose random drug test is deferred may be subject to an unannounced test with the following 60 days.

5. Reschedule the collection after this date: _____.

Name of 1st Line Supervisor_____Signature_____
Tel #_____Date/Time_____

Name of 2nd Line Supervisor_____Signature_____
Tel #_____Date/Time_____

The deferral letter must be emailed to the Field Drug Testing Coordinator no later than 2 hours after notification to the Field Drug Testing Coordinator @ (insert contact here)

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

CFR	Code of Federal Regulations
DHA	Defense Health Agency
DoD	Department of Defense
DoJ	Department of Justice
EAP	Employee Assistance Program
HHS	Department of Health and Human Services
IG	Implementation Guidance
MRO	Medical Review Officer
OPM	Office of Personnel Management
TDP	Testing Designated Position
U.S.C.	United States Code

PART II. DEFINITIONS

Applicant. Any individual tentatively selected for a Testing Designated Position, and who has not, immediately prior to the selection, been subject to random testing.

Employee Assistance Program (EAP). The EAP counseling program that offers assessment, short-term counseling, and referral services to employees for a wide range of drug, alcohol, and mental health problems, and monitors the progress of employees while in treatment. The EAP is provided to NCR through an agreement between NCR and the Federal Occupational Health agency within the Department of Health and Human Services.

EAP Coordinator. The individual designated by Director, NCR MD to be responsible for implementing and operating the EAP within the NCR MD component. Responsible for ensuring the development, implementation, and review of the agency EAP. Ensures counseling, treatment, and education services are provided to employees and supervisors regarding the EAP.

Employee Assistance Counselors. The Employee Assistance Counselors shall serve as the points of contact for employees who ask or are referred for counseling.

Employees in sensitive positions. Categories:

Employees in positions designated by the Director, NCR MD, as Special Sensitive, Critical Sensitive, or Noncritical-Sensitive; or employees in positions designated by the Director, NCR MD, as sensitive in accordance with Reference (n).

Employees granted access to classified information or who may be granted access to classified information pursuant to a determination of trustworthiness by the Director, NCR MD, under Reference (o).

Individuals serving under Presidential appointments.

Law enforcement officers as defined in References (o) and (p).
Other positions that the Director, NCR MD, determines involve law enforcement, national security, the protection of life and property, public health or safety, or other functions requiring a high degree of trust and confidence.

Field Drug Program Coordinator. The Field Drug Program Coordinator shall be responsible for implementing, directing, administering, and managing the drug program for NCR.

Illegal drugs. A controlled substance included in Schedule I (no medical use and high abuse potential, e.g., heroin, marijuana), or Schedule II (drugs with accepted medical uses but with high abuse potential, e.g., cocaine), as defined by Sec. 802(6) of Title 21, U.S.C., the possession of which is unlawful under chapter 13 of that Title. The term "illegal drugs" does not mean the use of a controlled substance pursuant to a valid prescription or other uses authorized by law.

Interagency Coordinating Group, Executive Committee. The Executive Committee consists of representatives of the Division of Workplace Programs, HHS; the Civil Division, DoJ; and OPM. Certification and oversight of Federal Agency Programs is accomplished under a delegation of authority by an Interagency Coordinating Group, Executive Committee, convened by the Division of Workplace Programs.

Management official. Any management, government, security, or personnel official whose duties necessitate review of the test results in order to process adverse personnel action against the employee.

Medical Review Officer (MRO). The individual responsible for receiving laboratory results generated from the NCR Drug-Free Workplace Program who is a licensed physician with knowledge of substance abuse disorders and the appropriate medical training to interpret and evaluate all positive test results together with an individual's medical history and any other relevant biomedical information.

Random testing. A system of drug testing imposed without individualized suspicion that a particular individual is using illegal drugs. Testing may either be:

Uniform, or unannounced testing of testing designated employees occupying a specified area, element, or position; or

Statistically random sampling of such employees based on a neutral criterion, such as Social Security numbers.

Supervisor. An employee, as described in Reference (q), having authority to hire, direct, assign, promote, reward, transfer, furlough, layoff, recall, suspend, discipline, or remove other employees, to adjust their grievances, or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature, but requires the consistent exercise of independent judgment.

Testing designated positions (TDPs). Federal civilian positions within NCR MD which have been designated for random testing under paragraph 6 (b) of Enclosure 3.

Verified positive test result. A test result that was positive on an initial Food and Drug Administration-approved immunoassay test, confirmed by a Gas Chromatography/Mass Spectrometry assay, (or other confirmatory tests approved by the HHS), and reviewed and verified by the MRO in accordance with this IG and Reference (l).