

THE DEPARTMENT OF THE NAVY DRUG-FREE WORKPLACE PROGRAM  
EMPLOYEE INFORMATION PACKAGE

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QUESTIONS AND ANSWERS  
ON THE  
DEPARTMENT OF THE NAVY  
DRUG-FREE WORKPLACE PROGRAM

**1. Q. Why do we need a drug program for Department of Navy employees?**

A. The President, in signing Executive Order 12564 on 15 September 1986, required that all Federal agencies implement a program to achieve a drug-free workplace. Even without such a requirement, achieving a drug-free America is one of our nation's highest priorities. In line with that, the Department of the Navy has a compelling obligation to eliminate illegal drug use by its employees due to its national defense responsibilities and the sensitive nature of its work.

**2. Q. What regulatory requirements governed the development of the Department of Navy Drug-Free Workplace Program?**

A. (1) Executive Order 12564 requires employees to refrain from the use of illegal drugs both on and off duty and directs agencies to establish plans for achieving a drug-free workplace.

(2) Public Law 100-71 passed by Congress, on 11 July 1987, provides for consistent implementation of the Executive Order throughout the Federal government and establishes requirements for accurate and reliable drug testing and confidentiality of test results.

(3) Department of the Navy Drug-Free Workplace Plan, certified by the Department of Health and Human Services (DHHS) and the Department of Justice on 27 April 1988, establishes the framework for implementation of the program in Department of Navy.

(4) Department of Health and Human Services Mandatory Guidelines for Federal Workplace Drug Testing Programs establish strict procedures for collection and testing of urine samples from employees for detection of drug use.

**3. Q. How does illegal drug use impact the Department of Navy?**

A. The primary mission of the Department of the Navy is to protect the United States by the effective prosecution of war at sea and to maintain freedom of the seas. The performance of every civilian employee must, at all times, support this mission through a high level of productivity, reliability, and judgment. Illegal drug use by Department of Navy employees, on or off the job, has a negative impact on employee performance and is incompatible with the mission of the Department of Navy.

**4. Q. What are the key components of the Department of Navy Drug-Free Workplace Program (DFWP)?**

A. Key components of the Program include supervisory training; employee education; employee assistance through counseling and referral programs; safe harbor; and drug testing.

**5. Q. What training or educational opportunities will be provided to Department of Navy supervisors and managers?**

A. Supervisors play a key role in establishing and monitoring a drug-free workplace. A quarterly mandatory training course has been developed which will assist supervisors and managers in recognizing illegal drug use by employees and will also inform supervisors of the procedures they should follow for dealing with illegal drug use problems.

**6. Q. What training or education will be provided to all Department of Navy employees?**

A. Activity employees will be offered drug education which may address such topics as the types and effects of drugs; the symptoms of drug use and its effect on performance and conduct; the relationship of the Civilian Employee Assistance Program (CEAP) to drug testing; and relevant information on the availability of treatment and rehabilitation. The drug education process may be accomplished through such means as the distribution of written material such as this set of questions and answers, videotapes, etc.

**7. Q. What is “Safe Harbor”?**

A. Under the Executive Order, Department of Navy is required to initiate action to discipline an employee found to use illegal drugs under any circumstance. The only exception to this requirement is the “Safe Harbor” provision. Under safe harbor, disciplinary action will not be initiated against an employee who meets the following three conditions: 1) voluntarily identifies him/herself as a user of illegal drugs prior to being identified through any other means; 2) obtains counseling and rehabilitation through the CEAP; and 3) thereafter, refrains from using illegal drugs. An employee who admits to illegal drug use after being notified that he/she is scheduled for a drug test or just after a sample is collected, or who is found to use illegal drugs on the basis of other appropriate evidence, e.g., evidence obtained from a criminal conviction, is not eligible for safe harbor.

While an employee who meets the safe harbor conditions listed above will not be subject to discipline, if that employee occupies a testing designated position (TDP) subject to random testing, he or she must immediately be moved to another position. In addition, an employee’s admission of drug use under the safe harbor provision may be used by activity security personnel for access and clearance determinations. (A safe harbor notice and sample request for safe harbor are included in this package.)

**8. Q. What different types of drug testing will be conducted?**

A. The Department of Navy will conduct five types of drug testing as this program is implemented:

(1) Random Testing - Unannounced testing of employees in positions identified as “Testing Designated Positions” (TDPs). (The identification of TDPs is discussed in Question 9.) Selection of individuals who occupy TDPs for testing is made on a documented random basis by the Drug Program Coordinator without prior announcement.

(2) Pre-Employment Testing - Testing required of all individuals tentatively selected for employment in a TDP within the Department of Navy. Pre-employment testing will include current Department of Navy employees who apply via Merit Staffing for a TDP.

(3) Reasonable Suspicion Testing - Testing conducted when management has reason to believe that an employee may be using illegal drugs. The suspicion must be based on specific objective facts and reasonable inferences drawn from these facts, and be documented. First level supervisors and above are authorized to request reasonable suspicion testing. Such requests must be approved by at least one level above the supervisor or management official requesting the test or their equivalent officials at tenant activities, or any officials designated to act in the absence of the aforementioned management officials. Reasonable suspicion testing may be based upon, among other things, direct observation of drug use or possession, arrest or conviction for an on or off-duty drug related offense, or evidence of tampering with a drug test urine sample.

(4) Voluntary Testing - Testing of employees who are not in TDP, but who volunteer for unannounced random testing. (A sample request for voluntary drug testing is included in this package.)

(5) Follow-up Testing - Testing of employees who undergo a counseling or rehabilitation program for illegal drug use through the Civilian Employee Assistance Program. These employees are subject to unannounced testing following completion of such a program for at least a period of 1 year.

**9. Q. What are “Testing Designated Positions (TDP)” and how will they be identified?**

A. The criteria for designating a position as a “Testing Designated Position” (TDP) is based on the effect that the incumbent of the position could have on public health and safety or national security through failure to adequately discharge the duties of the position. Certain positions, e.g., ones requiring a top secret clearance with access, will be identified as TDPs regardless of the specific duties performed. In others, the TDP designation is based on the duties of the position, e.g., police officers who carry weapons, firefighters, flight test pilots, etc. Every employee in a TDP will be issued a specific notice informing them they are subject to random testing at least 30 days before being scheduled for a drug test.

**10. Q. Which kinds of drugs will be tested for under the DFWP?**

A. Civilian employees will be tested for five drugs: Cocaine, Cannabis (Marijuana), Amphetamines, Opiates, and Phencyclidine (PCP).

**11. Q. Why these drugs?**

A. These drugs were selected by the Department of Health and Human Services (DHHS) based on the incidence of prevalence of abuse in the general population as well as the experience of the Department of Defense's military drug testing program. DHHS has authorized Department of Navy to test for all five drugs.

**12. Q. Will employees know in advance of the testing?**

A. The selection of individuals for random testing will always be unannounced. An employee will be notified when and where to report by his or her supervisor approximately 15 to 30 minutes before the test. An employee checklist is available with instructions developed to ensure that uniform and accurate collection procedures are followed. Individuals who refuse to cooperate with the collection procedures will be subject to the same disciplinary actions as individuals with a positive test result. (See question 15)

**13. Q. How often may an agency test any given employee?**

A. Under random testing, the employee will be tested whenever the sampling method used selects the employee, so there is no limitation on the number of times an employee may be tested for illegal drug use. In addition, the employee could also be tested for some other reason, e.g., reasonable suspicion.

**14. Q. What is the test like? Will the employee's privacy be protected?**

A. Any individual subject to testing will be permitted to provide a urine specimen in private, in a rest room stall or similar enclosure, so that the employee is not observed. The employee will be accompanied into the rest room by an individual of the same gender who will wait outside the stall while the sample is provided.

An exception to unobserved collection will be made only where collection site personnel have reason to believe the individual may alter or substitute the specimen to be provided or when the basis for conducting the test is reasonable suspicion or follow-up testing. In such cases, collection site personnel, of the same gender as the individual being tested, would directly observe the employee provide the

sample. A higher level supervisor as defined in Question 8 (3) shall review and concur in advance with any decision to obtain a specimen under direct observation except in cases of follow-up testing.

**15. Q. What if an employee or applicant refuses to appear for testing?**

A. An employee who fails to appear for testing without an authorized deferral will be subject to disciplinary action ranging from reprimand to removal. If an applicant for employment refuses to participate in testing, the tentative offer of employment will be canceled.

**16. Q. When may an employee's random drug test be deferred?**

A. The Drug Program Coordinator (DPC) may defer an employee's random drug test when requested by the employee's first level supervisor with higher level concurrence. The requests must be in writing and be based on a compelling need, e.g., the employee is in a nonduty status, on official travel, working a different shift, or performing a task that requires the employee's presence at the work site during the time the test is scheduled, etc. The DPC may reschedule the employee for unannounced testing within 60 days of the deferral.

**17. Q. How can I be sure the test results are actually mine?**

A. The DFWP, as required by DHHS, mandates a strict "chain of custody" to ensure no specimen mix-ups. Chain of custody procedures ensure that the urine sample taken from an employee is properly identified and is not accidentally confused with any other sample. These procedures apply when collecting, transferring, analyzing, and storing the sample. Each employee will be required to sign or initial the bottle used to transfer the sample to the testing laboratory to certify that it contains his or her sample. The bottle will then be sealed. With each subsequent transfer of possession of a specimen, a chain of custody form will be dated, signed, and annotated as to the purpose of the transfer. This provides for control and accountability from the point of collection to the final disposition of the sample.

**18. Q. How reliable is the test itself?**

A. At the laboratory, any specimen identified as positive on the initial screening test will be subject to a second screening test and if positive, then subject to a confirmatory test. Using gas chromatography/mass spectrometry (GC/MS) techniques. This is regarded as the most accurate confirmation process by both the scientific and legal communities. GC/MS technology has been used for many years by forensic toxicologists and medical examiners for police, legal and court work. These tests will be conducted by Northwest Drug Testing (NDT) in Salt Lake City, Utah, a certified forensic laboratory which has established a record as being among the best, most accurate laboratories in the world. The lab observes strict chain-of-custody requirements foreign to routine testing and clinical laboratories.

**19. Q. Do drug tests reveal the recency or frequency of drug usage, the quantity of drugs used, or the degree of impairment caused by drugs?**

A. No. A drug test can indicate only that an illegal drug was used based on the drug metabolites that show up in the urine.

**20. Q. If an employee tests positive, who will be notified by the laboratory?**

A. The drug testing laboratory may only disclose confirmed laboratory test results to the Medical Review Officer (MRO) for the employee's activity.

**21. Q. What does a Medical Review Officer do?**

A. The Medical Review Officer (MRO) is a Department of Health and Human Services Public Health Service physician who is knowledgeable in the medical use of prescription drugs and the pharmacology and toxicology of illegal drugs. Upon receipt of drug test results, the MRO will initiate a medical review of positive test results to determine if the positive result is evidence of illegal drug use. This may include a medical interview with the individual, review of the individual's medical history or consideration of other relevant biomedical factors. Requests for medical information will be made by the MRO directly to the individual to ensure maximum confidentiality. The MRO will review all medical records, including valid prescriptions, made available by the tested individuals when a positive test could have resulted from legally prescribed or over-the-counter medications. An employee may present any information they believe relevant to the MRO. It is important to remember that a positive test result does not automatically identify an employee or applicant as an illegal drug user. The MRO will assess whether a positive urine test may have resulted from legitimate medical treatment or from some error in the chain of custody or laboratory analysis.

**22. Q. What records are being kept on the testing? Will the test results be part of an employee's Official Personnel File (OPF)?**

A. All drug testing information on specific individuals is confidential and will be treated as such. The DPC will maintain all records relating to the DFWP including drug testing and any other authorized documentation necessary to support the program. Test results will not become part of the employee's OPF. All locally maintained agency records pertaining to an employee's drug test will be kept in designated secure containers in a secure area.

**23. Q. What if an employee is found to use illegal drugs?**

A. The Department of Navy is committed to providing assistance to employees attempting to overcome drug problems. An employee found to have used illegal drugs will be referred to the Civilian Employee Assistance Program (CEAP) for counseling and rehabilitation. The CEAP counselor, is located in Building 2090, Family Service Center and may be reached at 301-757-1868 or 1-800-222-0364.

Employees should be aware that the mere presence of illegal drugs in an employee's system is sufficient to initiate disciplinary action. Beside mandatory referral to CEAP, the activity must initiate disciplinary action against any employee found to use illegal drugs except for an employee who voluntarily admits to illegal drug use under the "Safe Harbor" provision. The severity of the disciplinary action will depend on the circumstances of each case and may range from a reprimand to removal. Bargaining unit members have the right to union representation in accordance with appropriate labor agreements. For a second finding of illegal drug use, removal action must be initiated.

NOTICE REGARDING APPLICATION FOR SAFE HARBOR UNDER  
THE DEPARTMENT OF THE NAVY DRUG-FREE WORKPLACE PROGRAM

The General Notice of Implementation of Drug Testing under the Department of the Navy Drug-Free Workplace Program issued by the Secretary of the Navy on 6 August 1988, describes the operation of the Navy's Drug-Free Workplace Program (DFWP). A copy of this Notice has been provided to all employees and is also included as Attachment 1 in this informational package. Paragraph 8 of that letter describes the operation of a feature known as "Safe Harbor", under which an employee may voluntarily identify himself or herself as a user of illegal drugs, prior to being so identified by other means, and seek counseling or rehabilitation assistance without being subject to disciplinary action for prior drug use.

An employee who requests safe harbor under the provisions of this program must be aware that he or she may be relieved from performing sensitive duties. Further, the security officer will be advised of the safe harbor request and this information may then be used to determine whether the employee will retain his or her security clearance. This review could lead to the revocation of an employee's security clearance and removal from the service for failure to meet a condition of employment, i.e., maintaining a security clearance.

This does not affect the ongoing operation of the Civilian Employee Assistance Program (CEAP), under which employees may seek rehabilitation assistance for drug abuse problems and be assured that such information will not be released to activity management officials. The CEAP counselor, is located in Building 2090, Room 125, Family Service Center, NAS, Patuxent River, Maryland, and may be reached at telephone number 301-757-1868 or 1-800-222-0364.

Should you have any questions about "Safe Harbor", please call the Drug Program Coordinator, at 301-342-3315.

SAMPLE REQUEST FOR SAFE HARBOR

From: Name of Requester  
To: Activity Head/Commander  
Via: (1) Immediate Supervisor  
(2) Drug Program Coordinator, Human Resources Office

Subj: REQUEST FOR SAFE HARBOR

1. I voluntarily identify myself as an illegal user of drugs and I request safe harbor under the provisions of the Department of Navy Drug-Free Workplace Program. I understand this means I will not be subject to disciplinary action during my rehabilitation period but that if I occupy a Testing Designated Position (TDP), I will not be permitted to continue performing those duties. I further understand this could cause loss of security clearance and possible removal from employment. I voluntarily agree to the following conditions:

- a. To obtain counseling and rehabilitation through the Civilian Employee Assistance Program (CEAP);
- b. To be tested by the activity/command as part of and as a follow-up to counseling and rehabilitation;
- c. To the release to appropriate management and CEAP officials of all counseling and rehabilitation records related to my illegal use of drugs; and
- d. To refrain from any subsequent illegal use of drugs.

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(Signature)

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(Date)



SAMPLE REQUEST FOR VOLUNTARY DRUG TESTING

From: Name of Requester  
To: Drug Program Coordinator, Human Resources Office  
Via: Immediate Supervisor

Subj: REQUEST FOR VOLUNTARY DRUG TESTING

1. I voluntarily request to be included in the pool of Testing Designated Positions (TDP) subject to random testing. This decision has been made without any management coercion or pressure. I understand I will be subject to the same conditions and procedures as an employee in a TDP. I also understand I may withdraw from inclusion in the random testing pool at any time upon submission of a written statement.

2. The following information is provided in support of this request:

a. NAME: \_\_\_\_\_

b. GENDER: \_\_\_\_M \_\_\_\_F

c. POSITION TITLE: \_\_\_\_\_

SERIES: \_\_\_\_\_

GRADE: \_\_\_\_\_

d. ORGANIZATION: \_\_\_\_\_

e. TELEPHONE NUMBER: \_\_\_\_\_

\_\_\_\_\_  
(EMPLOYEE SIGNATURE) (DATE)