



DEPARTMENT OF THE NAVY
Civilian Intelligence Personnel Office
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WASHINGTON, DC 20395-5720

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23 Aug 11

MEMORANDUM FOR: SEE DISTRIBUTION

SUBJECT: Directive-Type Memorandum (DTM) 11-002 - Drug Free Workplace Program

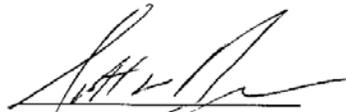
- References:
- (a) Executive Order 12564, "Drug-Free Federal Workplace," 15 September 1986
 - (b) Public Law 100-71, Section 503 "Mandatory Guidelines for Federal Workplace Drug Testing Programs," 1 November 2004
 - (c) Department of the Navy, Civilian Human Resources Manual, Subchapter 792.3, "Drug Free Workplace Program," October 2005
 - (d) Department of the Navy Drug Free Workplace Program Handbook

1. Purpose. Pursuant to references (a) through (d), and the guidance and prescribed procedures outlined in Attachment 1, Naval Intelligence will adhere and comply with the outlined direction therein in the administration and implementation of a Drug Free Workplace Program in your respective Activity/Command.

2. Applicability. This DTM applies to all Naval Intelligence civilian employees and applicants tentatively selected for employment. Testing of foreign national employees stationed outside the United States may be conducted only as authorized by and consistent with intergovernmental and labor agreements negotiated on a country-by-country basis.

3. Policy: This DTM is effective immediately; guidance and prescribed procedures should be conducted in accordance with Attachment 1.

4. Responsibilities: Please contact the Civilian Intelligence Personnel Office at (301) 669-5877.



Scott W. Raye
Director, CIPO

Attachments:
As stated

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ATTACHMENT 1

**CIVILIAN INTELLIGENCE PERSONNEL OFFICE (CIPO)
Drug Free Workplace Program**

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1. References

- (a) Executive Order 12564, "Drug-Free Federal Workplace," dated 15 September 86
- (b) Public Law 100-71, Section 503 "Mandatory Guidelines for Federal Workplace Drug Testing Programs," dated 1 November 2004
- (c) Department of the Navy, Civilian Human Resources Manual, Subchapter 792.3, "Drug-Free Workplace Program," dated October 2005
- (d) Department of the Navy Drug Free Workplace Program Handbook

2. Process and Responsibilities

A. General Information

Civilian drug testing began in 1987 to implement the Presidential Executive Order 12564 of 15 September 1986 that established the Federal Drug-Free Workplace Program (DFWP). All Naval Intelligence (NAVINTEL) civilian employees and applicants tentatively selected for employment that occupy testing designated positions (TDPs) are subject to pre-employment and random drug testing as a condition of employment. TDPs are positions determined by the Department of Navy

to meet the criteria of random drug testing. As a result of the security clearance requirement, all NAVINTEL positions meet this criterion. Therefore, all NAVINTEL employees are included in the drug testing program and will be subject to drug testing prior to employment and periodic random testing after entering on duty in accordance with reference (c).

Drug testing in no way reflects any specific cause to suspect the usage of illegal drugs.

B. Confidentiality

Test results are governed by the provisions of the Privacy Act, 5 U.S.C. 522a, and additionally restricted by Section 503 of Public Law 100-71. Any non-negative result that the Medical Review Officer (MRO) determines to be justified by legitimate medical use will be treated as a negative test result and may not be released for purposes of identifying illegal drug use. An employee's test results may not be disclosed without prior written consent of the employee unless the disclosure would be:

1. To the MRO.
2. After MRO review, to the Drug Program Coordinator (DPC).
3. After MRO review, to the Civilian Employee Assistance Program (CEAP) Administrator for purposes of counseling and rehabilitation.
4. After MRO review, to any supervisor or management official within the Department of the Navy having the authority to recommend, decide, or process an adverse personnel action against the employee, or to an administrative tribunal in a review of an adverse personnel action.
5. Under an order of a court of competent jurisdiction or required by the U.S. Government to defend against a challenge against an adverse personnel action.

C. Drugs Tested

Specimens are tested for the following drugs, classes of drugs, and/or their metabolites (a metabolite is a compound produced from chemical changes to a drug by the body): Marijuana (THC), Cocaine, Amphetamines/Methamphetamine, Opiates to include Heroin (6 Acetyl morphine), Phencyclidine (PCP), and Ecstasy (MDMA).

D. Pre-Employment Testing

As a condition of employment, drug testing is required of all individuals tentatively selected for employment in a TDP. Individuals who use illegal drugs will be screened out during the initial employment process before being placed on the employment rolls. The CIPO will coordinate pre-employment drug testing for all applicants tentatively selected for employment with Naval Intelligence.

Pre-Employment Drug Testing Process:

1. Receive the request to test from the Staffing Specialist following a preliminary offer.
2. Contact the candidate to schedule test within 24 hours.
3. Test date is set 2-3 days from date of contact with candidate (Complying with the contractor requirement of 48 hours, prepare and mail kit to the testing facility).
4. Follow up with email to candidate confirming test date no more than 48 hours prior to test date as required by DOD (email includes an attachment of the confirmation letter of the scheduled test from the contractor).
5. Check the website twice daily for test results (results are posted approximately 1-2 weeks after test date on average). If no results are posted within 2 weeks after testing date, a direct phone call is made to the laboratory contact to check on status of results.
6. An email is sent to all Staffing Specialist notifying them of results upon verification. This ensures that the staffing team takes action in cases where leave and out of office periods are covered.

If testing results lapse a 6 month period they become void. In cases where a pre-employed individual is held up in the security process for more than 6 months after testing results have been verified, they would be required to re-test.

E. Random Testing

Selection of an individual for testing is made on a random basis without prior announcement. Random testing is a system of drug testing imposed without individualized suspicion that a particular individual is using illegal drugs. Random testing may either be uniformly unannounced testing of testing designated employees working in a specific geographic area, organizational unit, or position or randomly selected employees based on a neutral criterion such as simple random selection. Individuals who occupy a TDP will be randomly selected for drug testing without prior announcement.

F. Selection Process for Drug Testing

NAVINTEL selection process is accomplished using a web-based system, Random.org. The Drug Program Coordinator (DPC) creates a numbered spreadsheet with each employee that falls under a TDP. The DPC will request a series of numbers for each random test that is performed using this method for requesting numbers. Everyone in the system has an equal chance of being selected every time, therefore some individuals could be selected several times in a short period of time or not selected for a very long period time.

G. Notification & Scheduling

Once the list is generated:

1. The DPC will schedule the selectees for testing, preferably in the first half of the shift, at a rate that the collection team can process efficiently and effectively. DPCs may schedule testing at any time (i.e., 24 hour, 7 days a week).

2. The DPC will notify the selected employee either by phone or by sending email notification and adding the supervisor in the cc line informing them of random drug testing the morning of the procedure and a time frame to report to the designated location.
3. Notification to the employee will provide sufficient time to allow the employee to arrive at the collection site on time, in general, approximately 15 to 30 minutes prior to the scheduled collection.
4. The supervisor or DPC will privately inform the employee of the time and location of the test.
 - a. Appropriate adjustments will be made to notification times when the collection site is remote from the work site.
5. The supervisor will explain to the employee that he or she is under no suspicion of using illegal drugs and that the employee was randomly selected.
 - a. The supervisor should attempt to respond to any employee questions to avoid misunderstanding.
6. The employee will be instructed to take appropriate photo identification to the test site.
 - a. If the employee does not bring the required identification, the supervisor or DPC may confirm identify of the donor for the collector.
7. The supervisor will discuss with a higher-level supervisor any problems that arise with regard to the employee reporting for the test as scheduled. If a deferral is necessary, the DPC will be notified as soon as possible.

H. Testing Procedures

Testing is done at a site coordinated by the DPC, adhering to the following procedures:

1. Upon arrival to the designated testing area, the employee will be required to remain there until the test has been completed; or the DPC releases the employee because a sample cannot be provided.
2. Actual collection is conducted by an assigned collection contractor.
3. The employee will be asked to show picture identification when checking in with the collector and to remove unnecessary outer garments (coat, jacket, etc).
4. The employee will be accompanied into the restroom by the collection contractor.
5. The contractor will explain the entire procedure and ask the employee to initial a check list during the process.
6. The employee is permitted to provide the specimen in private, in a restroom stall; the contractor will wait outside the stall.

If the employee is unable to provide a sample or the minimum sufficient amount, he/she will remain at the testing site until a sufficient sample can be provided. Water will be provided.

I. Checklist for Employees

For employees that have been randomly identified for drug testing by urinalysis; selection in no way reflects any specific cause to suspect the usage of illegal drugs. The following information describes donor responsibilities in the collection process:

1. Present a photo identification to the collector.
2. Provide the information required on the Federal Drug Testing Custody and Control Form when instructed by the collector.
3. When instructed, remove any unnecessary outer garments (e.g., coat, jacket) prior to the urinalysis.
 - a. All personal belongings (e.g., purse, briefcase) must remain with your outer garments.
 - b. You may retain your wallet.
4. You may provide the specimen in the privacy of a stall or otherwise partitioned area that allows for individual privacy.
 - a. You are required to provide a specimen of at least 45 milliliters.
 - b. If you are unable to provide a sufficient quality of urine, you will be asked to drink fluids (not to exceed 24 ounces) to facilitate urination.
5. You will be required to remain at the collection site in the presence of the Collection Site Coordinator until a sample is provided.
6. When instructed by the collector, wash and dry your hands.
 - a. You should continue to observe the entire collection procedure.
7. When instructed by the collector, read and sign the statement on the Federal Drug Testing Custody and Control Form and certify that the urine specimen collected is your own specimen.

Questions or concerns should be directed to your supervisor, the Activity/Command DPC or the Collection Site Coordinator.

J. Deferral of Testing

An employee selected for random drug testing may be given a deferral from testing if the employee's first line or higher-level supervisor concur that a compelling need exists. That deferral must be noted.

Grounds for deferral are that the employee is:

1. In a non-duty status such as annual leave, sick leave, leave without pay, suspension, absent without leave, military leave, court leave, continuation of pay, end of the work day, etc.
 - a. Any leave requests submitted after notice should be carefully scrutinized and documentation requested.
2. In training or attending a conference locally.
3. In an official travel status away from the test site or is about to embark on official travel scheduled prior to testing notification.
4. Working a different shift.

5. Performing a task or project that requires the employee's presence at the work site during the scheduled test time. The supervisor will inform the DPC of the deferral.

If a deferral is authorized and the test is not administered that day, the supervisor will inform the employee that he or she may be tested within 60 days from the date of the deferral or after the employee returns to duty or the work site.

3. Point of Contact

Civilian Intelligence Personnel Office (CIPO)

NAVINTEL DFWP

Davida McKinney (301) 669-5858

Kim Stewart (301) 669-5860