



DISTRICT OF COLUMBIA PRETRIAL SERVICES AGENCY

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SUSAN W. SHAFFER, ESQ.

Director

MEMORANDUM

PETER A. KRAUTHAMER, ESQ.

Deputy Director

TO: PSA Employees

Signed

FROM: Susan Shaffer
Director
Pretrial Services Agency

SUBJECT: Drug-Free Workplace Program – **60 DAY NOTICE**

DATE: March 26, 2002

This memorandum serves as the official notice to all employees that the D.C. Pretrial Services Agency (hereinafter referred to collectively as “Agency”) will begin random drug testing for the presence of illegal drugs no sooner than 60 days from the date of this memorandum. The Agency will also begin drug testing under circumstances warranting reasonable suspicion of drug use when approved by the appropriate management officials, as well as testing as part of an investigation into a work-related accident or other unsafe practice.

On September 15, 1986, President Ronald Reagan signed Executive Order (EO) 12564, Drug-Free Federal Workplace, establishing a Drug-Free Workplace Program (DFWP). The EO recognized that illegal drug use is seriously impairing a portion of the national work force, resulting in the loss of billions of dollars each year. As the largest employer in the nation, the federal government has a compelling proprietary interest in establishing reasonable conditions of employment; prohibiting employee drug use is one such condition. The use of illegal drugs on or off duty by federal employees is inconsistent not only with the law-abiding behavior expected of all citizens, but also with the special trust placed in such employees as servants of the government. Furthermore, any drug use by our employees would undermine the Agency’s credibility as a law enforcement agency and increase the risk of harm to the community.

As a law enforcement organization, the Agency has the responsibility of eliminating illegal drug use from its workplace. The Agency also has a legal duty to ensure a drug-free and safe work environment that protects the public and our employees from the dangers of drug use. The Agency must promote the well-being of its employees, the successful accomplishment of its missions, and the need to maintain productivity. The intent of the DFWP is to offer a helping hand to those who need it, while sending a clear message that illegal drug use is incompatible with employment at the Agency. Therefore, disciplinary action may be taken against an employee found to use illegal drugs and may include the full range of disciplinary action, including removal.

The Agency has developed a DFWP that complies with the requirements of the EO and has been approved by the Department of Health and Human Services (HHS). The DFWP will be distributed to all offices and is required reading for all employees. The program is fair, reasonable and considers the rights of all Agency employees. It consists of four major elements: supervisory training, employee education, drug screening, and rehabilitation. Not all positions are subject to random testing. However, the Agency has identified certain sensitive positions which qualify for random drug testing and which are classified as Testing Designated Positions (TDPs). Prior to the start of random testing, employees occupying a TDP will be notified that their position has been designated as such.

The DFWP provides that a laboratory certified by the U.S. Department of Health and Human Services will analyze all specimens by conducting a series of tests that are highly accurate and reliable. Strict chain of custody procedures will be followed during the collection and testing of all specimens. Also, quality control procedures have been established to ensure that laboratories follow all required guidelines and that test proficiency is maintained. For an added safeguard, a Medical Review Officer (MRO) will review all laboratory results. When a laboratory submits a confirmed positive test result to the MRO, the MRO will conduct an employee interview. During the interview, the employee will be given an opportunity to submit any relevant medical documentation to the MRO, including that which provides for the lawful use of an otherwise illegal drug. If there is not any medical justification for the positive test result, the employee will be referred to the Employee Assistance Program (EAP) and administrative action will follow. Furthermore, the results of a drug test will only be disclosed to the employee, the MRO, the EAP Administrator, the respective management officials in order to process an adverse action against the employee, or a court of law or administrative tribunal in any adverse personnel action.

If an employee voluntarily admits to being a user of illegal drugs and receives counseling or rehabilitation, prior to being identified through other means, the Agency is not required to initiate disciplinary action against the employee. The employee may seek counseling and rehabilitation assistance from James R. Reedy, Counselor, U.S. Public Health Service, Federal Occupational Health, EAP at 1-800-222-0364 or (TDD) 1-888-262-7848. Furthermore, all medical and rehabilitation records within the EAP will be handled as confidential "patient records" and may not be disclosed without prior written consent of the employee, an authorizing court order, or as otherwise permitted by federal law as implemented in 42 C.F.R. Part 2.

This program is critical to the operation of the Agency and will require the support and cooperation of all employees at every level in order to achieve the desired results. If you have any questions regarding the DFWP, please contact Tresa Grosshans, Manager, Court Services and Offender Supervision Agency (CSOSA) DFWP at (202) 220-5732.

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