



POLICY STATEMENT

Policy Statement 1103

Policy Area: Security

Effective Date: **MAY 11 2005**

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Drug-Free Workplace Program

I. COVERAGE

This Policy Statement applies to all employees of the Court Services and Offender Supervision Agency (CSOSA) and the Pretrial Services Agency (PSA). CSOSA and PSA may be referred to individually or collectively as "Agency."

II. BACKGROUND

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 seriously impairs 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 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 Agency 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, up to and including removal. In addition, an employee who refuses to be tested or fails to appear for testing without an approved deferral will be subject to the full range of disciplinary actions.

The Agency has developed a DFWP that complies with the requirements of EO 12564 and has been approved by the Department of Health and Human Services (HHS). In addition to the notices referenced in Section IV, D to implement the program, a 60-day notice is issued to all staff informing them of the DFWP. The DFWP is located on the Agency's intranet 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.

III. POLICY

Under its DFWP, the Agency conducts random drug testing for the presence of illegal drugs. Not all employees are subject to random testing. However, the Agency has identified certain sensitive positions, which qualify for random drug testing and are classified as a Testing Designated Position (TDP). Prior to the start of random testing, a 30-day notice is issued to inform employees in sensitive positions that their position has been designated as a TDP.

The Agency also conducts 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.

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. For an added safe measure, all specimens will be collected using the split specimen method. 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. Within 72 hours of notification, the employee may request that the split specimen be submitted for confirmation testing at the designated contract laboratory or other HHS certified laboratory. If there is no 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 through the EAP. 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.

IV. AUTHORITIES, SUPERSEDURES, REFERENCES, AND ATTACHMENTS

A. Authorities

Executive Order 12564

Public Law 100-71

B. Supersedures

None

C. Procedural References

Mandatory Guidelines for Federal Workplace Drug Testing Programs (4/11/88)

Mandatory Guidelines for Federal Workplace Drug Testing Programs (6/9/94)

D. Attachments

Appendix A - Drug-Free Workplace Program (certified February 20, 2002)

Appendix B - CSOSA Memorandum of Understanding, (Signed January 28, 2005)

Appendix C - DFWP 60-day Notice & Acknowledgement Form (CSOSA and PSA)

Appendix D - DFWP 30-day Notice & Acknowledgement Form (CSOSA and PSA)

Appendix E - DFWP Notification of Selection For Drug Testing (CSOSA and PSA)

Appendix F - DFWP New Employee Notification (CSOSA and PSA)

Appendix G - Notice of Drug Testing Requirement For Applicants