

Subject: HHS Drug-Free Workplace -- Drug Testing Program

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Exhibit 792-5-A HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs, Subpart B.2.2, Specimen Collection Procedures

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792-5-00 PURPOSE AND AUTHORITY

- A. On September 15, 1986, President Reagan signed Executive Order 12564, establishing the goal of a Drug-Free Federal Workplace. The order made it a condition of employment for all Federal employees to refrain from using illegal drugs on or off-duty.
- B. On July 11, 1987, Congress passed legislation concerning the implementation of the Executive Order under Section 503 of the Supplemental Appropriations Act for Fiscal Year 1987, Public Law 100-71. This legislation established requirements for uniformity among Federal agency

drug-free workplace plans, reliable and accurate drug testing, confidentiality of drug test results, and centralized oversight of the Federal Government's drug testing program.

- C. Working with OPDIV and OS STAFFDIV representatives, the Department developed a Plan which was reviewed and certified as being in compliance with the requirements of E.O. 12564 and P. L. 100-71.
- D. That Plan is published as the Plan for a Drug-Free Workplace in the U.S. Department of Health and Human Services and was implemented on December 14, 1988.
- E. One element of the HHS Plan is a Drug Testing Program. The purpose of this Instruction is to provide HHS policies and procedures for the operation of the Drug Testing Program.

792-5-10 COVERAGE

The provisions of this Instruction apply to all HHS employees.

792-5-20 REFERENCES

- A. Section 503, Public Law 100-71, Supplemental Appropriations Act for Fiscal Year 1987, July 11, 1987 (law--requirements for Federal drug-free workplace plans)
- B. Executive Order 12564 (drug-free Federal workplace)
- C. Mandatory Guidelines for Federal Workplace Drug Testing Programs, Federal Register, Vol. 53, No. 69, pages 11970 - 11989, April 11, 1988 (government-wide mandatory guidelines -- Federal agency drug testing programs)
- D. FPM Letter 792-19, Establishing-a Drug-Free Federal Workplace, November 13, 1989 (guidance for agency drug-free workplace programs)
- E. Federal Personnel Manual Supplement S293-31, Basic Personnel Records and Files System, Subchapter S6, Employee Medical File System
- F. Plan for a Drug-Free Workplace in the U.S. Department of Health and Human Services (known as HHS Drug-Free Workplace Plan)

792-5-30 RESPONSIBILITIES

- A. Departmental Drug Program Coordinator

The Departmental Drug Program Coordinator (DDPC) in the Office of the Assistant Secretary for Personnel Administration is responsible for ensuring that the procedures contained in this Instruction are implemented throughout the Department of Health and Human Services (HHS). The DDPC may further delegate certain responsibilities in order to fully implement the drug testing program.

B. Operating Division Drug Program Coordinators

1. Each HHS Operating Division (OPDIV) shall designate a Drug Program Coordinator (OPDIV DPC). The DDPC serves as the OPDIV DPC for the Office of the Secretary (OS). The Public Health Service (PHS) may establish DPCs in any of the Health Agencies. In these cases, the PHS OPDIV DPC shall ensure that all of the OPDIV DPC responsibilities outlined in this Instruction are clearly distinguished as belonging either to the PHS OPDIV DPC or the Health Agency DPC.
2. Each OPDIV, Health Agency, and OS shall designate a second and third alternate DPC who shall be fully trained in and ready to assume all the responsibilities and duties of the DPC in his/her absence. The DDPC must be promptly notified in writing of any change in OPDIV or Health Agency DPCs.

C. Supervisors

Supervisors of employees scheduled for drug testing are responsible for notifying them of the date, time, and location of their schedule drug test.

792-5-40 GENERAL PROVISIONS

A. Safeguarding of Records Related to Drug Test Results

Test results will be protected under the provisions of the Privacy Act, 5 U.S.C. 552a, and Section 503(e) of the Supplemental Appropriations the Act for Fiscal Year 1987, Public Law 100-71, and may not be released in violation of these statutes. Disclosure of drug test results under the "routine use" exception to the Privacy Act's disclosure prohibition is strictly limited. (Refer to Chapter XIV of the HS Drug-Free Workplace Plan)

B. Transmission of Test Results by Laboratory

1. Test results shall be transmitted by the urinalysis laboratory to the Medical Review Officer (MRO) in a manner consistent with the Privacy Act and the HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs.

2. Test results shall not be communicated orally by the laboratory.

C. Release of Positive Test Results

1. Confirmed positive laboratory test results shall be disclosed by the laboratory only to the MRO.
2. After the MRO has completed all responsibilities necessary to interpret and evaluate positive test results, the MRO shall disclose a verified positive test result only to the employee, the appropriate Employee Assistance Program (EAP) Coordinator, and the designated management official.
3. The management official shall contact the identified employee's immediate supervisor.
4. The employee's immediate supervisor shall meet with the employee's second level supervisor, or other management official required to take the necessary administrative and/or disciplinary action, and the EAP representative for purposes of planning for the mandatory referral of the employee to the EAP, the required administrative and/or disciplinary action, and the job rehabilitation contract.
5. In applicant testing, the MRO shall disclose a verified positive test result of a non-HHS employee applicant only to the applicant and the designated management official.
6. Notification of a verified positive test result shall be mailed only to the applicant's or the employee's home or other specified address.

D. Release of Negative Test Results

1. Employees whose drug test results are negative will routinely receive written notification of the results without the need to submit a prior request for such information. Such notification will be sent to the address as stated in #6 above.
2. The MRO will notify the designated management official of negative test results from random, and follow-up testing. For follow-up testing, the management official will, in turn, notify the appropriate EAP Coordinator.
3. In the case of applicants, the appropriate Servicing Personnel Office (SPO) will be notified. Applicants will, in turn, be notified by the SPO.

E. Records Maintenance and Retention

1. All random test lists generated by the DDPC shall be dated and signed by the DDPC and clearly annotated to ensure a complete record of all actions. (see 792-5 -50 A.). The DDPC shall maintain all test lists in such a manner as to prevent unauthorized access to information contained therein. No test lists will be maintained other than by the DDPC.
2. Records resulting from the testing of employees for use of illegal drugs (e.g., chain of custody forms, negative test results, confirmed positive test results, medical records made available to the MRO by the tested individual, and MRO verification statements) shall be retained and filed in the Office of Personnel Management (OPM) Government-wide (GOVT) Privacy Act systems of records entitled "Employee Medical File System Records" (OPM/GOVT-10). The OPM notice amending OPM/GOVT-10 to include records resulting from drug testing of employees in the system was published in the Federal Register on June 12, 1987 (52 FR 22564).
3. Records resulting from the testing of applicants for use of illegal drugs, including current HHS employees who are applicants for an HHS position for which applicant testing is required, shall be retained and filed in OPM Government-wide Privacy Act systems of records entitled "Recruiting, Examining, and Placement Records" (OPM/GOVT-5). The OPM notice amending OPM/GOVT-5 to include records resulting from drug testing of applicants was published in the Federal Register on June 12, 1987 (52 FR 22564).
4. Further instructions concerning the maintenance and retention of employee and applicant drug testing records are included in Federal Personnel Manual (FPM) Supplement S293-31, Basic Personnel Records and Files System, Subchapter S6, Employee Medical File System, dated September 2, 1987.

792-5-50 RANDOM TESTING

A. Procedures Prior to Actual Collection

1. Employee Identification

The DDPC shall generate lists identifying all employees randomly selected for drug testing. Under no circumstances will an employee not on the list be tested. The lists will contain the following information for each employee selected.

- (1)Name of employee
- (2)Social security number
- (3)Gender

- (4)Occupation Code (Occupation Series)
- (5)Organization Code (Admin. Code)
- (6)Duty Location Code (GSA Geographic Code)
- (7)Immediate Supervisor's Name
- (8)Immediate Supervisor's Office Telephone Number
- (9)Immediate Supervisor's Office Address

2. Collector Notification and Collection Scheduling

- a. For worksites covered by the collection contract: (new collection sites can be added to the contract)

- (1) The DDPC shall notify the collector to schedule drug testing for those employees randomly selected.

- (2) The DDPC shall notify the appropriate OPDIV DPC that testing of OPDIV employees has been scheduled.

- b. For geographical locations not covered by the collector collection-contract, or by specific request by the OPDIV DPC to the DDPC:

- (1) Specimen collections can be made at the worksites by a fully trained collectors.

- (2) The DDPC shall notify the appropriate OPDIV DPC that testing is scheduled to take place at a specific worksite.

- (3) The OPDIV DPC will coordinate further notification to worksite management officials as necessary.

- (4) The DDPC will establish a collection schedule with the collector

- (5) Collections must be done with as little advance notice as possible.

3. Supervisor Notification

- a. The DDPC shall notify the selected employee's first line supervisor about the scheduled testing at least two hours prior to the actual collection. DDPC shall provide the supervisor with the date, time, and location of the testing.

- b. In situations where the first line supervisor is unavailable, the next higher management official shall be contacted.
- c. In advance of any testing, a copy of "Random Drug Testing Program-Checklist for Supervisors" (Exhibit 792-5-B) will be given to each supervisor with an employee scheduled for testing.
- d. The DDPC shall keep a record of the date and time a supervisor has been contacted for drug test notification.

4. Employee Notification

- a. Approximately 2 hours prior to the actual collection, the supervisor shall privately inform the employee that he/she has been identified through a random selection process for drug testing by urinalysis and is under no suspicion of taking illegal drugs. The employees shall be clearly informed as to the time and exact location to report for testing and instructed to take appropriate photo identification. Acceptable identification includes HHS employee identification with photo or, if HHS identification is unavailable, a driver's license with photo.
- b. Every effort shall be made by the supervisor to personally provide the above information to the employee to avoid any misunderstandings. In addition, at this time a copy of "Random Drug Testing Program-Checklist for Employees" (Exhibit 792-5-C) will be given to each employee designated for random testing.
- c. The supervisor should be knowledgeable about the drug testing program and able to provide information in response to employee questions that may extend beyond the information provided in written notices.
- d. The supervisor shall immediately report to the DDPC any problem encountered during employee notification. The DDPC shall make a record of any problems reported.

5. Deferral of Testing

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

(1) In a previously approved leave status and therefore unavailable for testing;

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

(3) Is engaged in work critical to the mission of the agency, that requires the employee to remain in his or her immediate work location, and that can not be done by another employee.

- b. Any testing deferral must be approved by the DDPC .
- c. An employee whose random drug test is deferred will be subject to an unannounced test within the following 60 days.

6. Test Lists

The official test list shall be annotated, signed, dated, and maintained on file by the DDPC.

B. Procedures During Collection

1. Standard Collection Procedures (Unobserved)

To ensure that chain of custody and specimen control are maintained, the collector must follow the procedures as specified in the HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs, Subpart B, 2.2, Specimen Collection Procedures. (See Exhibit 792-5-A)

2. Direct Observation Collection Procedures

- a. Collection of urine specimens shall not be made under direct observation except in those unusual circumstances allowed in Executive Order 12564 and Office of Personnel Management FPM Letter 792-19. These exceptions may occur when collection site personnel have reason to believe that a particular individual may alter or substitute the specimen to be provided. (Refer to FPM Letter 792-19, Section 4 g.2)
- b. Whenever direct observation is required it must be by a collection site person of the same gender as the person to be tested.
- c. The collector shall follow the Specimen Collection Procedures in the HHS Mandatory Guidelines.

(1)The collector shall inform the employee that collection will be done under direct observation.

(2)Only the employee and collector shall be in the collection area when the urine specimen is provided.

(3)The direct observation of the collection of a urine specimen is highly confidential, and no information shall routinely be released concerning the observation other than the fact that it was performed.

(4) The collector shall document the chain of custody form to indicate the sample was collected under direct observation.

(5) All procedures shall be conducted in a detached, objective manner.

3. Failure of Employee to Report to Collection Site

- a. Failure to appear for testing without a deferral will be considered refusal to participate in testing, and will subject an employee to the full range of disciplinary actions.
- b. If the employee fails to appear for a scheduled collection, the collector shall immediately notify the DDPC who in turn shall immediately contact the employee's supervisor.
- c. The supervisor shall initiate appropriate action in accordance with 792-5-120, Disciplinary Action.

4. Employee Refusal to Provide Specimen at the Collection Site

In the event an employee refused to provide a specimen, the following procedures shall apply:

- a. The employee shall be informed by the collector that
 - (1) the DDPC will be contacted; and
 - (2) he/she is to report back to the work site supervisor and await further instructions.

- b. The collector shall immediately notify the DDPC and document the refusal in writing on the chain of custody form.
- c. The DDPC shall contact the employee's supervisor. The supervisor shall initiate action in accordance with 792-5-120, Disciplinary Action.

5. Failure of Employee to Provide Sufficient Quantity of Urine

If the employee fails to provide a sufficient quantity of urine, at least 60 milliliters (approximately 2 ounces), the following procedures shall apply:

- a. Employees will be given a reasonable period of time to provide a specimen. As a general rule, the employee will be allowed 4 hours or until the end of the tour of duty, whichever is later.
- b. Employees may be asked to drink fluids to facilitate urination.
- c. If at the end of the waiting period the individual still cannot provide a specimen of sufficient quantity, this inability shall be recorded by the collector on the chain of custody form as failure to provide a specimen and the DDPC shall be notified.
- d. The MRO, upon receipt of his/her copy of the chain of custody form, shall contact the employee for any medical justification that may exist to explain why the employee failed to provide a specimen. If the MRO believes the employees justification is medically acceptable, no further action shall be taken against the employee. If the MRO believes there is no medical basis for the failure to provide a specimen, he/she shall notify the designated management official.
- e. The employees supervisor shall be contacted and asked to notify the employee that he/she is to be re-tested soon. The supervisor shall initiate appropriate action in accordance with 792-5-120, Disciplinary Action only if the employee refuses to be re-tested or fails to provide a sufficient quantity of urine during re-test.

6. Tampering/Adulteration/Substitution of Urine Samples

- a. Should the collector have a reasonable basis to believe the employee has tampered with/ adulterated/substituted his/her sample, the collector shall:

(1) request the employee to remain at the collection site, preferably in the

presence of a second collector;

(2) immediately contact the DDPC to detail the reasons for this belief; and then,

(3) document these reasons in writing before proceeding further.

- b. The DDPC, after consultation with appropriate OPDIV DPC and Office of the General Counsel staff, may authorize the collection under direct observation.

(1) The DDPC shall document the collectors phone call, reasons for requesting observation, and final decision, including rationale for this decision.

(2) When appropriate, the DDPC shall contact the employee's supervisor. The supervisor shall initiate action in accordance with 792-5-120, Disciplinary Action.

792-5-60 APPLICANT TESTING

A. Individuals Subject to Applicant Testing

1. Coverage

All individuals tentatively selected for employment with HHS in a testing designated position (TDP) will be tested prior to employment/appointment. This includes any current HHS employee, except one who is already in a TDP immediately prior to the selection.

2. Details and Temporary Appointments

In the instance of details or temporary appointments to TDPs, applicant testing will be done if the term of such employment/appointment is expected to exceed 90 days, regardless of the length of the initial action. For all details or temporary appointments to TDPs that are documented on a SF-50, Notification of Personnel Action, the individual occupying the position will be subject to random testing.

B. Personnel Office Responsibilities

1. Notifying Applicants of Testing Requirements

- a. All vacancy announcements and recruitment notices for TDPs shall state:

"All applicants tentatively selected for this position will be required to submit to urinalysis prior to appointment to screen for illegal drug use."

- b. In addition, any individual tentatively selected for a TDP will be notified that appointment to the position will be contingent upon a negative drug test result. Failure of the vacancy announcement or recruitment notice to contain this information will not preclude applicant testing if advance written notice is provided in some other manner to individuals tentatively selected.

2. Insuring Required Applicant Testing is Accomplished

- a. Upon notification that an individual subject to applicant testing has been tentatively selected for a TDP, the appropriate personnel official shall call the DDPC to request that a drug test be scheduled. The request for the drug test should be the last action taken prior to the offer of employment.
- b. The personnel officials request for applicant testing to the DDPC shall include the following information:
 - o Name of applicant
 - o Social security number
 - o Gender
 - o Occupational series and title of position
 - o Organizational location of position
 - o Recommended date and location for testing (most often the home area of the applicant)
 - o Name and telephone number of personnel official to be contacted regarding test information

C. Applicant Notification and Testing

1. The DDPC schedule the applicants for testing with the collector and notify the appropriate personnel official of the date, time, and location of the drug test. The personnel official will contact the applicant direct him/her to the collection facility. The drug test must be undertaken as soon after notification as possible, and no later than 48

hours after notice to the applicant. Where appropriate, an applicant may be reimbursed for reasonable travel expenses.

2. Notification to applicants concerning their scheduled test shall include information about the MRO procedure, wherein they will have the opportunity to submit medical documentation that may support a legitimate use for a specific drug. These applicants shall be further informed that any such information will be reviewed only by the MRO to determine whether the individual is legally using an otherwise illegal drug.

D. Consequences of Positive Test Results

1. As with random testing, all test results will go from the laboratory to the MRO. The MRO will conduct the same medical review of any confirmed positive test result with the applicant as he or she does with other positive test results (see 792-5-110).
2. If the MRO verifies a confirmed positive test result, and the applicant is not a current HHS employee, the MRO will inform the designated management official of the positive results of the drug test. In addition, if the applicant is a current HHS employee, the MRO will follow the procedures in 792-5-110.
3. Upon notification of a verified positive applicant test result, by the designated management official, the appropriate Personnel Officer shall:
 - a. Not extend a final offer of employment to the applicant;
 - b. Object to the applicant on the basis that illegal drug use is incompatible with the goals of the Department and with the duties required of the sensitive position for which the applicant has applied;
 - c. Inform the applicant that the Department will not hire the applicant because of a verified presence of an illegal drug in the applicant's urine;
 - d. Inform the applicant that he or she may reapply for employment with the Department in six months;
 - e. Inform the applicant that information on community treatment and rehabilitation services is available from the appropriate EAP.

E. Applicant Testing Records

1. As with records of other types of testing, the MRO and the DDPC maintain records concerning applicant testing.
2. Personnel Officers with appointing authority over TDPs will also maintain applicant testing records for a period of one year from the testing date.
3. Applicant testing records must be maintained separately from any other personnel office records in a highly secure manner with very limited access.

F. Procedures During Collection

1. Standard Collection Procedures (Unobserved)

Follow procedures in 792-5-50 B. 1.

2. 2.Direct Observation Collection Procedures

Follow procedures in 792-5-50 B. 2.

3. Failure of Applicant to Report to Collection Site

- a. If the applicant fails to appear for a scheduled collection, the collector shall immediately notify the DDPC by telephone, who in turn shall immediately contact the SPO.
- b. The SPO will contact the applicant to determine the reason for the failure-to report to the collection site. If appropriate, testing can then be rescheduled. No offer of employment shall be made until a negative test result has been received.

4. Applicant Refusal to Provide Specimen at the Collection Site

In the event an applicant refuses to provide a specimen, the following procedures shall apply:

- a. The applicant shall be informed by the collector that

(1) DDPC will be contacted; and

(2) he/she is to report back to work if an HHS employee, or otherwise leave the collection site.

- b. The collector shall immediately notify the DDPC, who will inform the SPO.
- c. No final offer of employment will be made unless a negative test result has been rendered.
- d. The DDPC shall contact the SPO when an applicant refuses to provide a specimen. Applicants who are not current employees and who refuse to be tested shall be refused employment. Current HHS employees who refuse to provide a specimen for drug testing shall be deemed to have withdrawn their application for the covered position.

5. Failure of Applicant to Provide Sufficient Quantity of Urine

If the applicant is unable to provide a sufficient quantity of urine (at least 60 milliliters, about 2 ounces), the following procedures shall apply:

- a. Applicants will be given a reasonable period of time to provide a specimen.
- b. Applicants may be asked to drink fluids to facilitate urination.
- c. If at the end a reasonable waiting period the individual still cannot provide a specimen of sufficient quantity, this inability shall be recorded by the collector on the chain of custody form as failure to provide a specimen, and the DDPC will be contacted.
- d. The DDPC shall contact the SPO and inform them of this failure. If appropriate, testing will be rescheduled. No final offer of employment in a TDP will be made until a negative test result has been rendered.

6. Tampering/Adulteration/Substitution of Urine Samples

- a. Should the collector reasonably believe the applicant has tampered with/adulterated/substituted his/her sample, the collector shall:
 - (1) request the applicant to remain at the collection site, preferably in the presence of a second collector: and
 - (2) call the DDPC to detail the reasons for this belief.

b. The DDPC shall take the following actions:

(1) After consultation with appropriate OPDIV DPC and Office of the General Counsel staff, authorize collection of a second specimen under direct observation if the circumstances clearly warrant.

(2) Document the collectors call, reasons for requesting observation, and final decision, including rationale for this decision.

(3) When the applicant is a current HHS employee, contact the employee's supervisor so that appropriate action can be initiated in accordance with 792-5-120.

(4) When appropriate, contact the SPO to initiate appropriate action for an applicant.

792-5-70 [RESERVED]

792-5-80 [RESERVED]

792-5-90 VOLUNTARY TESTING

A. To demonstrate their commitment to the Department's goal of a drug-free workplace and to set an example for other Federal workers, HHS employees not in testing designated positions may volunteer for unannounced random testing. Volunteering employees will be included in the pool of employees occupying testing designated positions and be subject to random testing and all of its consequences on the same basis as employees occupying TDPs.

B. Employees wishing to volunteer for random testing may do so by submitting a signed written request to the DDPC. The request shall include the following data:

1. Name of employee
2. Social security number
3. Gender
4. Occupation Code (Occupation Series)
5. Organization Code (Admin. Code)
6. Duty Location Code (GSA Geographic Code)
7. Immediate Supervisor Name
8. Immediate Supervisor's Office Telephone Number
9. Immediate Supervisor's Office Address

C. Acknowledgment and Confirmation of Employee Request

The DDPC shall, within 10 working days of his/her receipt of a request for voluntary testing, provide to the requesting employee two copies of an acknowledgment notice of that request. Exhibit 792-5-I is a sample notice. The notice:

1. Acknowledges to employees request to volunteer for random testing.
2. Provides an explanation of the consequences of failing to meet test requirements, see 792-5-120.
3. Explains the consequences of a positive test result, see 792-5-120.
4. States that the employee will be added to the random testing pool of employees occupying testing designated positions from which employees to be tested are randomly selected.
5. Includes a receipt acknowledged statement for the employee to sign and date. The employee is instructed to return this signed copy no later than 10 working days after receipt and that failure to do so will be viewed as a withdrawal of the employee's request for voluntary testing.

D. Cancellation of Volunteer Status

1. Annual

At the end of every calendar year, all employees who acknowledge receipt of the DDPC's notice acknowledging their request to volunteer for the random drug testing pool during the calendar year will be removed from the random testing pool. Employees wishing to volunteer to be included in the random testing pool for the following calendar year must submit a new written request.

2. By Employee

An employee may, up until the time they are notified they have been randomly selected for drug testing, submit a signed written request to the supervisor canceling their request to volunteer for testing.

792-5-100 FOLLOW-UP TESTING

A. Testing Requirements

1. All-employees referred through administrative channels who undergo a counseling or rehabilitation program for illegal drug use through the Departments EAP will be subject to unannounced testing following completion of such a program for a period of one year.
2. Such employees shall be tested at the frequency stipulated in the rehabilitation contract, or, in the alternative, at a frequency of at least one testing per calendar quarter.
3. This follow-up testing must be distinguished from testing necessary as part of the employees treatment plan, which is carried out by a certified rehabilitation facility or treatment provider and is monitored by the EAP. Such testing is not part of the Department's testing program, is not released to management officials within HHS (unless the employee consents), and does not constitute a finding of illegal drug use for purposes of disciplinary action. This requires close coordination between the DDPC and EAP Administrators to ensure clear differentiation between testing as part of rehabilitation and testing as follow-up to rehabilitation.

B. Test Scheduling

Follow-up testing should be unannounced, but should be scheduled in accordance with the follow-up testing provisions in the employees job rehabilitation contract.

C. Collector Notification

DDPC will request that the follow-up test be scheduled.

D. Supervisor Notification

1. The DDPC shall notify the employee's supervisor at least two hours prior to the actual collection.
2. In situations where the first level supervisor is unavailable, the next higher management official shall be contacted.
3. The DDPC shall provide the supervisor with the information to be conveyed to the employee.

4. The DDPC shall document the date and time the supervisor was notified.

E. Employee Notification

1. On the day of collection, approximately two hours prior the actual collection, the supervisor or management official shall provide the employee with written notice that he/she has been scheduled for follow-up drug testing. Exhibit 792-5-J is a sample notice to employees of follow-up testing. The employee shall be clearly informed as to the exact time and location for the test and instructed to take appropriate photo identification. Acceptable identification includes an HHS employee photo identification or, if unavailable, a driver's license with photo.
2. The supervisor shall be knowledgeable about the drug testing program and able to provide information in response to employee questions that may extend beyond information provided in written notifications.
3. The supervisor shall immediately report to the DDPC any problem encountered during employee notification that would preclude notification.

F. Unavailability of Employee

1. When an employee scheduled for follow-up testing is unavailable for legitimate reasons (e.g., on travel, leave), the supervisor shall immediately notify the DDPC .
2. The DDPC shall arrange a new date/time of collection and immediately notify the employee's supervisor that the collection has been rescheduled.
3. The DDPC shall document the reason for rescheduling and the new date/time of the test.

G. Procedures During Collection

Procedures for standard (unobserved) collection, see 792-5-50 B., will be followed for follow-up testing, unless the counselor or treatment provider advises otherwise.

792-5-110 MEDICAL REVIEW OFFICER PROCEDURES

A. General

1. Functions of the Medical Review Officer (MRO)

- a. Receive all laboratory test results;
 - b. Review and interpret positive test results;
 - c. Assure that an individual who has tested positive has been afforded an opportunity to submit medical documentation of lawful use of an otherwise illegal drug;
 - d. Consistent with confidentiality requirements, refer written determinations regarding all verified positive test results together with all relevant documentation and a summary of findings to the appropriate EAP Coordinator;
 - e. Consistent with confidentiality requirements, refer written determinations regarding all verified positive test results to the designated management official together with all relevant documentation and a summary of findings;
 - f. Notify the designated management official, or employees, of negative test results;
 - g. Maintain the medical system of records for the drug testing program;
 - h. Monitor the specimen collection operation and laboratory testing and reporting operations to ensure accurate and complete information is available for decision-making purposes;
 - i. Coordinate with and report to the Assistant Secretary for Personnel Administration on all activities and statistical findings on a regular basis; and
 - j. Assist the DDPC and OPDIV DPCs in carrying out Drug-Free Workplace Program duties wherever possible to conserve resources and to efficiently and speedily accomplish reliable and accurate testing objectives.
2. Organizational Relationships
- a. The Departmental Medical Review Officer (HHS MRO) receives and maintains records of all specimen collections and drug testing results. The HHS MRO, in consultation with field MROs as necessary, makes verification determinations of positive test results.

- b. Field MROs may be used by the HHS MRO when necessary to obtain information from an individual who is the subject of a positive test result to aid in the MRO verification process. Field MROs also may be used to notify the designated management official and EAP Coordinator of a positive test result. Field MROs are designated to service a particular organization or geographical area, or when necessary, are designated on an ad hoc basis to assist with the verification of a particular positive test result or group of positive test results. Field MROs must be licensed physicians with knowledge of substance abuse disorders and possible alternate medical explanations of positive test results.

3. Communications

- a. Communications regarding sensitive medical information (positive drug test results, medical records reviews, medical interviews, consultations with treating physicians, etc.) will be conducted in a manner that provides the maximum protection of each employee's right to privacy. Medical details in individual cases will be restricted to communications between health care professionals and only as required to arrive at a decision regarding a positive drug test result.
- b. Telephone communication is permitted for the purpose of acquiring medical or other information necessary to arrive at a medical determination in individual cases. Only those persons who have a need to know will be privy to or participate in such conversations.
- c. Transmittal of written medical information will be by sealed envelope labeled: "To be opened by addressee only." This would include drug test results, medical record and interview information, communications between an EAP Coordinator/Counselor and an MRO, drug testing control forms, etc. .

B. Review of Test Results

1. Test results from the contract laboratory will be received by the HHS MRO.
2. The medical review of each positive test result must be performed by the HHS MRO, a licensed physician with knowledge of substance abuse disorders and of possible alternate medical explanations for a positive test result. The purpose of the review is to determine if the positive result is evidence of illegal drug abuse.
3. The HHS MRO shall examine alternate medical explanations for any positive test result. This examination could include actions such as conducting a medical interview with the individual, review of the individual's medical history, or review of any other relevant

biomedical factors. Evidence to justify a positive result may include, but is not limited to:

- a. A valid prescription; or
 - b. A verification from the individual's physician
4. The HHS MRO shall review all medical records made available by the tested individual when a confirmed positive test could have resulted from legally prescribed medication. The HHS MRO shall not, however, consider the results of urine samples that are not obtained or processed in accordance with the HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs.
 5. In every case of a positive test result, the HHS MRO shall give the tested individual an opportunity to discuss the test result with him or her.
 6. Only the HHS MRO is authorized to order a reanalysis of the original sample. Such retests must be at laboratories certified under the HHS Mandatory Guidelines.
 7. If the HHS MRO determines there is a legitimate medical explanation for the positive test result, he or she shall determine that the result is consistent with legal drug use and report the test result as negative.
 8. The HHS MRO may also determine that a positive test result is scientifically insufficient for further action and declare the test specimen negative. Such a determination may be based on review of laboratory inspection reports, quality control data, multiple samples, and other pertinent data. In this situation the HHS MRO may request reanalysis of the original sample before making this decision.
 9. Each positive test report received from the contract laboratory shall have a verification statement signed by the HHS MRO to the effect that:
 - a. the positive test result has been verified as positive, or
 - b. the medical review has resulted in a determination that the positive test result has been reclassified as negative.

792-5-120 FINDING OF ILLEGAL DRUG USE

A. General

1. An employee may be found to use illegal drugs on the basis of any appropriate evidence which includes, but is not limited to:
 - a. Direct observation;
 - b. Evidence obtained from an arrest or criminal conviction;
 - c. A verified positive test result; or
 - d. An employee's voluntary admission.
2. In accordance with the requirements of Executive Order 12564, disciplinary action must be initiated, with one exception (see 792-5-110 B. below), against employees found to use illegal drugs. The disciplinary action initiated may range from written reprimand to removal and must be appropriate in consideration of all the facts and circumstances surrounding the finding of illegal drug use.
3. All disciplinary actions initiated based on a finding of illegal drug use must be taken pursuant to the requirements of Title 5 of the U.S. Code, its implementing regulations, and other relevant statutes, regulations, Departmental Personnel Instructions, and applicable labor-management negotiated agreements.
4. Unless the circumstances of the finding of illegal drug use dictate otherwise, disciplinary actions initiated should be held in abeyance following their proposal as long as the employee is pursuing counseling and rehabilitation.
5. Mere receipt of a report of arrest or other indication of arrest or conviction is not, except in the most egregious circumstances, by itself grounds for a finding of illegal drug use. All of the evidence surrounding the arrest or conviction must be considered before management can determine that a finding of illegal drug use is appropriate.
6. The SPO and employee and labor relations specialists must be consulted before any action based on a finding of illegal drug use is initiated.

B. Safe Harbor

A fundamental purpose of the Department's Drug-Free Workplace Plan is to assist employees who themselves are seeking treatment for drug use. For this reason, as authorized by E.O. 12564, the Department will not initiate disciplinary action against any employee who meets all three of the following criteria:

1. Voluntarily identifies him/herself as a user of illegal drugs prior to being identified through other means. This means before being notified of being selected for specimen collection under random testing (792-5-50 A. 4.), before being notified of required applicant testing (792-5-60 C), or otherwise before an incident upon which a finding of illegal drug use is based.
 2. Obtains counseling or rehabilitation through EAP.
 3. Thereafter refrains from using illegal drugs.
- C. Actions Based on On-Duty or On Agency Property Use or Possession of Illegal Drugs and Drug Trafficking
1. Use of illegal drugs on-duty or on agency property.
 - a. Upon learning that an employee has used illegal drugs on-duty or on agency property, the supervisor shall be responsible for documenting all relevant details to support any disciplinary action to be taken against such an employee for that use.
 - b. The supervisor shall initiate appropriate disciplinary action against an employee when such action is supportable by the evidence. A finding of on-duty or on agency property drug use shall be treated the same as a verified positive drug test result. The employee will be referred to the EAP for entry into a counseling/rehabilitation program.
 2. Possession of or trafficking in illegal drugs on-duty or on agency property
 - a. Upon learning that an employee has possessed illegal drugs or has engaged in illegal drug trafficking (e.g., sale, manufacture, growing, distribution or transportation) on-duty or on agency property, the supervisor shall be responsible for documenting all relevant details to support any disciplinary action to be taken against such an employee based on that possession.
 - b. The supervisor shall initiate appropriate disciplinary action against an employee when such action is supportable by the evidence.
- D. Actions Based on Failure to Comply with Procedures During Collection
1. Failure of employee to report to designated collection site

- a. Failure to appear for testing without a deferral (see 792-5-50 B. 3.) will be considered a refusal to participate in testing, and will subject an employee to the full range of disciplinary actions. The supervisor shall be responsible for documenting all relevant details to support the disciplinary action to be taken.
 - b. The supervisor shall initiate disciplinary action consistent with the totality of the circumstances surrounding the employees failure to report to the designated collection site.
2. Refusal of employee to provide a specimen at the collection site
 - a. Refusal of employee to provide a specimen at the collection site (see 792-5-50 B. 4.) will be considered a refusal to participate in testing, and will subject an employee to the full range of disciplinary actions. The supervisor shall be responsible for documenting all relevant details to support the disciplinary action to be taken.
 - b. The supervisor shall initiate disciplinary action consistent with the totality of the circumstances surrounding the employee's refusal to provide a specimen.
3. Failure of employee to provide a sufficient quantity of urine
 - a. Failure of employee to provide a sufficient quantity of urine (see 792-5-50 B. 5.) could be considered a refusal to participate in testing, and could subject an employee to the full range of disciplinary actions. The supervisor shall be responsible for documenting all relevant details to support any disciplinary action to be taken, including the facts regarding any re-test.
 - b. The supervisor shall initiate disciplinary action consistent with the totality of the circumstances surrounding the employee's refusal to provide a sufficient quantity of specimen.
4. Tampering/adulteration/substitution of urine samples by employee
 - a. Upon notification by the DPC that an employee has tampered with/adulterated/substituted his/her sample (see 792-5-50 B.5.), the supervisor shall be responsible for documenting all relevant details to support any disciplinary action to be taken against an employee because of tampering/adulteration substitution of a urine sample.

- b. The supervisor shall initiate disciplinary action consistent with the totality of the circumstances surrounding the employee's tampering with/adulteration/substitution of a specimen.

E. Actions Based on Verified Positive Urinalysis Result or First Finding of Illegal Drug Use

1. First Verified Positive Urinalysis Result or First Finding of Illegal Drug Use

- a. Upon receipt of a first verified positive urinalysis finding that an employee uses illegal drugs or a first finding of illegal drug use the supervisor shall assign the employee to non-sensitive duties, i.e., duties that do not involve a potential danger to public health or safety, access to firearms, protection of life or property, etc. Therefore, an employee who possesses a security clearance shall no longer have a need for access to classified information. The security clearance shall be withdrawn by the Manager, Personnel and Information Security Group, ASPER, pending completion of a counseling/rehabilitation program. The clearance may be reissued at that time if a renewed need for access is justified and clearance requirements are met.
- b. The supervisor shall initiate disciplinary action consistent with the totality of the circumstances surrounding the finding of illegal drug use.
- c. The employee will be referred to the EAP for entry into a counseling/rehabilitation program (see HHS Drug-Free Workplace Plan, Section III).
- d. If the employee enters into a counseling/rehabilitation program, the employee will be informed in writing that the disciplinary action proposed against him/her will be held in abeyance pending successful completion of the counseling/rehabilitation program.
- e. If the employee fails to enter into a counseling/ rehabilitation program, the disciplinary action initiated against him/her will be processed.
- f. If after starting a counseling/rehabilitation program the employee drops out of it or otherwise fails to live up to the requirements of the Job Rehabilitation Contract, the supervisor will carry out disciplinary action consistent with the totality of the circumstances, including the provisions of the employees Job Rehabilitation Contract.

2. Second Verified Positive Urinalysis Result or Second Finding of Illegal Drug Use

- a. Upon receipt by a management official of a second verified positive urinalysis result or a second finding of illegal drug use, removal of the employee is mandatory under E.O. 12564.
- b. The supervisor shall initiate action to remove an employee from the Federal service for such cause as will promote the efficiency of the service. The employee shall be charged with failure to refrain from illegal drug use.
- c. The removal must be processed in accordance with all applicable laws, regulations, Departmental Personnel Instructions, and labor-management negotiated agreements.
- d. The employee will not be offered a second opportunity to enter a counseling/rehabilitation program.

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Notices

Subpart B

2 Specimen Collection Procedures

(a) Designated of Collection Site. Each agency drug testing program shall have one or more designated collection sites which have all necessary personnel, materials, equipment, facilities, and supervision to provide for the collection, security, temporary storage, and shipping or transportation of urine specimens to a certified drug testing laboratory.

(b) Security Procedures shall provide for the designated collection site to be secure. If a collectionsite facility is dedicated solely to urine collection, it shall be secure at all times. If a facility cannot be dedicated solely to drug testing, the portion of the facility used for testing shall be secured during drug testing.

(c) Chain of Custody. Chain of custody standardized forms shall be properly executed by authorized collection site personnel upon receipt of specimens. Handling and transportation of urine specimens from one authorized individual or place to another shall always be accomplished through chain of custody procedures. Every effort shall be made to minimize the number of persons handling specimens.

(d) Access to Authorized Personnel Only. No unauthorized personnel shall be permitted in any part of the designated collection site when urine specimens are collected or stored.

(e) Privacy. Procedures for collecting urine specimens shall allow individual privacy unless there is reason to believe that a particular individual may alter or substitute the specimen to be provided.

(f) Integrity and Identity of Specimen. Agencies shall take precautions to ensure that a urine specimen not be adulterated or diluted during the collection procedure and that information on the urine bottle and in the record book can identify the individual from whom the specimen was collected. The following minimum precautions shall be taken to ensure that unadulterated specimens are obtained and correctly identified:

(1) To deter the dilution of specimens at the collection site, toilet bluing agents shall be placed in toilet tanks wherever possible, so the reservoir of water in the toilet bowl always remains blue. there shall be no other source of water (e.g., no shower or sink) in the enclosure where urination occurs.

(2) When an individual arrives at the collection site, the collection site person shall request the individual present photo identification, the collection site person shall contact the supervisor of the individual, the coordinator of the drug testing program, or any other agency official who can positively identify the individual. If the individual's identity cannot be established, the collection site person shall not proceed with the collection.

(3) If the individual fails to arrive at the assigned time, the collection site person shall contact the appropriate authority to obtain guidance on the action to be taken.

(4) The collection site person shall ask the individual to remove any unnecessary outer garments such as a coat or jacket that might conceal items or substances that could be used to tamper with or adulterate the individual's urine

specimen. The collection site person shall ensure that all personal belongings such as a purse or briefcase remain with the outer garments. The individual may retain his or her wallet.

(5) The individual shall be instructed to wash and dry his or her hands prior to urination.

(6) After washing hands, the individual shall remain in the presence of the collection site person and shall not have access to any water fountain, faucet, soap dispenser, cleaning agent or

(7) The individual may provide his/her specimen in the privacy of a stall or otherwise partitioned area that allows for individual privacy.

(8) The collection site person shall note any unusual behavior or appearance in the permanent record book.

(9) In the exceptional event that an agency-designated collection site is not accessible and there is an immediate requirement for specimen collection (e.g., an accident investigation), a public rest room may be used according to the following procedures: A collection site person of the same gender as the individual shall accompany the individual into the public rest room which shall be made secure during the collection procedure. If possible, a toilet bluing agent shall be placed in the bowl and any accessible toilet tank. The collection site person shall remain in the rest room, but outside the stall, until the specimen is collected. If no bluing agent is available to deter specimen dilution, the collection site person shall instruct the individual not to flush the toilet until the specimen is delivered to the collection site person. After the collection site person has possession of the specimen, the individual will be instructed to flush the toilet and to participate with the collection site person in completing the chain of custody procedures.

(10) Upon receiving the specimen from the individual, the

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collection site person shall determine that it contains at least 60 milliliters of urine. If there is less than 60 milliliters of urine in the container, additional urine shall be collected in a separate container to reach a total of 60 milliliters. (The temperature of the partial specimen in each separate container shall be measured in accordance with paragraph (f)(12) of this section, and the partial specimens shall be combined in one container.) The individual may be given a reasonable amount of liquid to drink for this purpose (e.g., a glass of water). If the individual fails for any reason to provide 60 milliliters of urine, the collection site person shall contact the appropriate authority to obtain guidance on the action to be taken.

(11) After the specimen has been provided and submitted to the collection site person, the individual shall be allowed to wash his or her hands.

(12) Immediately after the specimen is collected, the collection site person shall measure the temperature of the specimen. The temperature measuring device used must accurately reflect the temperature of the specimen and not contaminate the specimen. The time from urination to temperature measurement is critical and in no case shall exceed 4 minutes.

(13) If the temperature of a specimen is outside the range of 32.5° - 37.7° C / 90.5° - 99.8° F, that is a reason to believe that the individual may have altered or substituted the specimen, and another specimen shall be collected under direct observation of a same gender collection site person and both specimens shall be forwarded to the laboratory for testing. An individual may volunteer to have his or her oral temperature taken to provide evidence to counter the reason to believe the individual may have altered or substituted the specimen

caused by the specimen's falling outside the prescribed range.

(14) Immediately after the specimen is collected, the collection site person shall also inspect the specimen to determine its color and look for any signs of contaminants. Any unusual findings shall be noted in the permanent record book.

(15) All specimens suspected of being adulterated shall be forwarded to the laboratory for testing.

(16) Whenever there is reason to believe that a particular individual may alter or substitute the specimen shall be obtained as soon as possible under the direct observation of a same gender collection site person.

(17) Both the individual being tested and the collection site person shall keep the specimen in view at all times prior to its being sealed and labeled. If the specimen is transferred to a second bottle, the collection site person shall request the individual to observe the transfer of the specimen and the placement of the tamperproof seal over the bottle cap and down the sides of the bottle.

(18) The collection site person and the individual shall be present at the same time during procedures outlined in paragraphs (f)(19)-(f)(22) of this section.

(19) The collection site person shall place securely on the bottle an identification label which contains the date, the individual's specimen number, and any other identifying information provided or required by the agency.

(20) The individual shall initial the identification label on the specimen bottle for the purpose of certifying that it is the specimen collected from him or her.

(21) The collection site person shall enter in the permanent record book all information identifying the specimen the collection site person shall sign the permanent record book next to the identifying information.

(22) The individual shall be asked to read and sign a statement in the permanent record book certifying that the specimen identified as having been collected from him or her is in fact that specimen he or she provided.

(23) higher level of supervision shall review and concur in advance with any decision by a collection site person to obtain a specimen under the direct observation of a same gender collection site person based on a reason to believe that the individual may alter or substitute the specimen to be provided.

(24) The collection site person shall complete the chain of custody form.

(25) The urine specimen and chain of custody form are now ready for shipment. If the specimen is not immediately prepared for shipment, it shall be appropriately safeguarded during temporary storage.

(26) While any part of the above chain of custody procedures is being performed, it is essential that the urine specimen and custody documents be under the control of the involved collection site person. If the involved collection site person leaves his or her work station momentarily, the specimen and custody form shall be taken with him or her or shall be secured. After the collection site person returns to the work station, the custody process will continue. If the collection site person is leaving for an extended period of time, the specimen shall be packaged for mailing before he or she leaves the site.

(g) Collection Control. To the maximum extent possible, collection site personnel shall keep the individual's specimen bottle within sight both before and after the individual has urinated. After the specimen is collected, it shall be properly sealed and labeled. An approved chain of custody form shall be used for maintaining control and accountability of each specimen from the point of collection to

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final disposition of the specimen. The date and purpose shall be documented on an approved chain of custody form each time a specimen is handled or transferred and every individual in the chain shall be made to minimize the number of persons handling specimens.

(h) Transportation to Laboratory.

Collection site personnel shall arrange to ship the collected specimens to the drug testing laboratory. The specimens shall be placed in containers designed to minimize the possibility of damage during shipment, for example, specimen boxes or padded mailers; and those containers shall be securely sealed to eliminate the possibility of

undetected tampering. On the tape sealing the container, the collection site supervisor shall sign and enter the date specimens were sealed in the containers for shipment. The collection site personnel shall ensure that the chain of custody documentation is attached to each container sealed for shipment to the drug testing laboratory.

HHS Drug-Free Workplace
Random Testing Program

Checklist for Supervisors

Shortly before the date that random drug testing is scheduled to be conducted, the Departmental Drug Program Coordinator (DDPC) will notify you which of your employees have been selected for drug testing and the proposed schedule. This information is confidential. The following procedures should be followed in notifying employees of the collection process.

- [] Approximately 2 hours prior to the actual collection, inform the employee privately that he/she has been identified through a random selection process for drug testing by urinalysis. Clearly inform the employee as to the date, time, and exact location to report for testing and instruct him/her to take photo identification.

- [] Employees may be scheduled to report to the collection site at various intervals when a number of them are scheduled for testing on the same day. Coordinate with the DDPC any scheduling changes necessary to maintain work operations. Do not make any unilateral changes.

- [] Only the DDPC can schedule employees for random drug testing.

- [] The collection will be performed by a government contractor, who will ensure the process is properly administered. Advise employees to be prepared to provide a urine specimen at the scheduled collection time.

- [] Coordinate any necessary travel arrangements with the employee, including reimbursement of expenses.

- [] Give each scheduled employee the attached Checklist for Employees, which provides helpful information about the collection process.

- [] Fill in the bottom portion of the Checklist to indicate the date, time, and location for the scheduled drug test.

- [] When an employee selected for random testing is unavailable for legitimate reasons (e.g., working different shift, travel, leave), you must inform the DDPC who will annotate the random test list by indicating the reason for any employee's deletion from the list. Once you have been notified of scheduled testing, any leave requests submitted by scheduled employees for the testing day should be carefully scrutinized.

- [] Immediately report any problems encountered during employee notification to the DDPC. Employees who fail to cooperate with the collection procedures will be subject to disciplinary actions consistent with Departmental regulations. (You must obtain guidance from your servicing personnel or labor and employee relations offices in these instances.)

- [] If an employee is unable to provide a sufficient quantity of urine, he/she will be given a reasonable period of time to provide a specimen. As a general rule, the employee will be allowed four hours or until the end of the work shift, whichever is later. If employee is essential to work operations, he/she may be allowed to return to the work site while waiting to provide a specimen. If at the end of the waiting period the employee still cannot provide a specimen, he/she will be rescheduled for drug testing by the DDPC.

- [] If you have any questions or concerns, you should share them with your OPDIV or STAFFDIV Drug Program Coordinator.

Attachment - Checklist for Employees

HHS Drug-Free Workplace Program
Random Testing Program

Checklist for Employees

You have been identified through a process of random selection for drug testing by urinalysis. Please be assured that your selection and the selection of other employees for such drug testing in no way reflects that the Department has any specific cause to suspect the usage of illegal drugs. The process by which you have been selected uses a computer program to make a random selection of HHS employees in Testing Designated Positions (TDPs) . Please take a few minutes to read the following information, which describes your role in the collection process.

- Present required photo identification to the collector.
- When instructed by the collector, complete a pre-test/chain of custody form.
- Remove any unnecessary outer garments, e.g., coat, jacket. All personal belongings (e.g., purse, briefcase) must remain with outer garment(s). You may retain your wallet.
- When instructed by collector, wash and dry your hands.
- You may provide the specimen in the privacy of a stall or otherwise partitioned area that allows for individual privacy. It will be necessary for you to provide a specimen of at least 60 milliliters (approximately 2 ounces). If you are unable to provide a sufficient quantity, you will be given a reasonable period of time to provide an adequate specimen. As a general rule, you will be allowed four hours or until the end of your shift, whichever is later. If at the end of the waiting period you still cannot provide a specimen, drug testing will be rescheduled.
- You should observe the entire collection procedure.

When instructed, read and sign the certification statement certifying that the specimen in the bottle is yours, and came from your body at the time of collection.

Note the temperature reading on the bottle and verify that the temperature was correctly recorded by initialing the chain of custody form.

If you have any questions or concerns, share them with your supervisor or your OPDIV Drug Program Coordinator.

You must report to the location below at the time specified to provide a urine sample:

Date of Collection: _____

Time of Collection: _____

Location of collection facility:

If necessary, management will arrange for your transportation to the collection facility.

[RESERVED]

[RESERVED]

A confirmed positive test result reported by the laboratory will be reviewed by a Medical Review Officer (MRO) before a determination is made about whether you have used illegal drugs. You will be given an opportunity to discuss with the MRO all prescription and over-the-counter drugs you may be taking that could affect the outcome of the drug test.

If it is determined that you are using illegal drugs, you will be provided the opportunity to use the services of the Department's Employee Assistance Program (EAP). Through this program, you will receive counseling and learn about the availability of rehabilitation. Information about the EAP may be obtained from your immediate supervisor or by contacting your local EAP Coordinator.

Refusal to submit to testing or failure to cooperate with the collection procedures will be grounds for disciplinary action, up to and including removal from the Federal service. Refusal to enter or successfully complete a counseling/rehabilitation program after a finding of illegal drug use will be grounds for removal from the Federal service. If you test positive a second time as a result of any subsequent drug test (except testing done during and as part of a rehabilitation program), or a second determination of illegal drug use by you is made, you will be removed from the Federal service.

I have sent you two copies of this memo. Please sign both copies of the receipt acknowledgment and return one of them to me. Unless I receive your acknowledgment by _____, you will not be added to the random testing pool.

If you have other questions, please contact me or your OPDIV Drug Program Coordinator.

VOLUNTEER'S ACKNOWLEDGMENT OF RECEIPT OF NOTICE

I acknowledge receiving notice from the HHS DPC concerning procedures for voluntarily being included in the HHS random testing pool and the consequences of a confirmed positive drug test result or refusing to cooperate with collection procedures.

I understand that failure to sign and return this acknowledgment by the date noted in the notice will be viewed as a withdrawal of my request for voluntary drug testing.

The following information is needed for inclusion in the automated data base from which computer generated random selections will be made:

- (1) Social Security Number
- (2) Employee Name
- (3) Gender
- (4) Occupation Code (Occupation Series)
- (5) Organization Code (Admin. Code)
- (6) Duty Location Code (GSA Geographic Code)
- (7) Immediate Supervisor's Name
- (8) Immediate Supervisor's Office Phone Number
- (9) Immediate Supervisor's Office Address

Signature of Employee

Date

NOTICE TO EMPLOYEE SUBJECT TO FOLIOW-UP DRUG TESTING

(Date)

Subject: INFORMATION: Notice of Follow-up Testing for Illegal Drugs

From: (Supervisor or Management Official)

To: (Employee)

When you entered the Department's Employee Assistance Program following a finding that you had used illegal drugs, a program of follow-up testing was established to commence after your successful completion of your counseling/rehabilitation program. You are scheduled for follow-up testing today.

You must report to the location below at the time specified to provide a urine sample:

Date of collection: _____

Time of Collection: _____

Location of collection facility:

If necessary, management will arrange for your transportation to the collection facility.

Drug testing in HHS is performed through urinalysis by an independent contract laboratory certified by the National Institute of Drug Abuse (NIDA). The testing methodology reflects all the scientific and technical procedures necessary to assure the results are highly reliable and accurate. NIDA certification provides for strict quality control procedures. These procedures will include an initial screen of the urine sample you provide for illegal drugs and a confirming test by gas chromatography/mass spectrometry.

To assure that the sample collected from you is not accidentally confused with any other sample, strict procedures will be used when collecting and transferring the specimen. The total of these procedures is known as the chain of custody. The test results from your sample will be handled with maximum respect for individual confidentiality consistent with safety and security. A confirmed positive test result reported by the laboratory will be reviewed by a Medical Review Officer (MRO) before a determination is made that an employee has used illegal drugs.

You will be given an opportunity to discuss with the MRO all prescription and over-the-counter drugs you may be taking that could affect the outcome of the drug test.

If you test positive you will be removed from the Federal service. Refusal to submit to testing or failure to cooperate with the collection procedures will be grounds for removal from the Federal service.

If you have other questions after providing a urine sample as directed today, please contact your servicing personnel office or OPDIV Drug Program Coordinator.