

## QUESTIONS AND ANSWERS ON CIVILIAN EMPLOYEE DRUG TESTING

1. Question: Which drugs are DLA testing for?

Answer: Marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP). Testing may be expanded to include other drugs if experience indicates they are becoming a problem.

2. Question: Who will be tested?

Answer: Employees in positions where drug abuse could endanger public health and safety or national security will be required to undergo periodic, unannounced testing on a random basis. Other employees may volunteer to participate in this random testing program as well. All DLA employees may be tested based on reasonable suspicion of drug abuse or after serious accidents or as a part of a follow-up program of rehabilitation for drug abuse. In addition, any employee selected for a position that requires drug testing based on security or could endanger public health and safety will be tested.

3. Question: What is “reasonable suspicion” of drug abuse?

Answer: Reasonable suspicion is a supervisor’s reasoned conclusion, based on reportable facts, that an employee may be using illegal drugs. Reasonable suspicion may be based on such evidence as direct observation of drug use, or a pattern of abnormal behavior typical of drug use, or an arrest or conviction for a drug-related offense, or the discovery that an employee has tampered with a previous drug test. Although absolute certainty of drug abuse is not required, a supervisor’s “hunch” is not enough to warrant a reasonable suspicion drug test. A supervisor cannot order a drug test just because he or she distrusts an employee. The supervisor must document in writing the circumstances which support the suspicion of drug abuse. Requests for reasonable suspicion testing must be approved by the employee’s second level supervisor and by the servicing Director, DLA Human Resources Center.

4. Question: How will I know if I am subject to random testing?

Answer: Positions which require random testing are known as testing designated positions (TDPs). Employees in TDPs must be given written notification at least 30 days before testing begins. This notification explains testing procedures and the reasons why the position has been selected for testing coverage.

5. Question: What happens if I refuse to sign the 30-day notice?

Answer: Employees are not required to sign the notices. If you refuse to sign your notice, your supervisor will simply note on the acknowledgment copy that you received the notice. Failure to sign the notice will not preclude testing.

6. Question: Can my supervisor make my position a TDP to harass me?

Answer: No. TDPs are positions where the effects of drug abuse could endanger national security or public health or safety. General criteria for selection of TDPs were established by Executive Order 12564. Specific criteria for identifying DLA TDPs are included in the DLA Drug-Free Workplace Plan; these criteria have been reviewed and approved by the Office of Secretary of Defense (OSD) and the Department of Justice.

Positions may not be added to or removed from testing coverage without prior approval from both HQ DLA and OSD.

7. Question: What is going on here—I just got a notice saying I'm in a TDP, but my coworkers didn't!

Answer: Even though you may have the same title, series, and grade as your coworkers, if your duties vary in certain critical respects, your position may properly be designated a TDP while theirs are not. For example, if you are in a critical-sensitive position and have access to secret information, you are in a TDP. If your coworkers perform the same job, but never work with secret information, their positions will not be TDPs.

8. Question: How will drug tests be scheduled?

Answer: All drug tests will be scheduled by either the Drug Testing Program Manager (DTPM) or the Drug Testing Program Coordinator (DTPC).

Drug tests for employees in TDPs will be scheduled quarterly. Each quarter, a random sample of TDPs will be selected for testing. The DTPM will advise the contractor of the employees to be tested and their locations.

If a Field Activity (FA) wishes to order a reasonable suspicion or post-accident test, the FA must contact the DTPM to schedule the test and must provide justification for the test. Once the test is ordered, the contractor will perform the collection within 24 hours.

9. Question: How will the random sample be selected?

Answer: The DTPM will use a computer-driven, random program for the selection of individuals to be tested so that each covered employee will have an equal probability of selection every time a list is developed.

10. Question: Can my supervisor exempt me from testing?

Answer: No. Supervisors cannot excuse employees from testing. If you are assigned to a TDP and your name comes up in the random sampling procedures, you must take the test when directed to do so. 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 because the employee is:

a. In a approved leave status.

b. In official travel status away from the test site or is about to embark on official travel scheduled prior to testing notification.

An employee whose random drug test is deferred will be subject to an unannounced test within the following 60 days.

11. Question: Can I refuse to take a drug test?

Answer: No. An employee who refuses to take a required drug test will be subject to the full range of disciplinary action, up to and including removal.

12. Question: What laboratory will be used to analyze the samples?

Answer: DLA has a contract with Quest Lab in Kansas for laboratory urinalysis services. Quest Lab has been certified by the National Institute on Drug Abuse (NIDA) as meeting the strict standards established by the Department of Health and Human Services (DHHS) in the Mandatory Guidelines for Federal Workplace Drug Testing Programs. Quest Lab has an excellent record for accuracy and quality control.

13. Question: What does NIDA certification mean?

Answer: To become certified by the NIDA, a laboratory must undergo three rounds of performance testing plus an onsite inspection. In the performance testing, the laboratory is presented with specially prepared samples and must correctly identify which, if any, drugs are present in the samples. A laboratory may not report any false positive result during this performance testing; any false positives will automatically disqualify a laboratory from further consideration. To maintain certification, a laboratory must participate in an every-other-month performance testing program plus periodic onsite inspections.

14. Question: How accurate are the tests?

Answer: Extremely. All positive test results are confirmed by gas chromatography/mass spectrometry, a highly accurate and reliable procedure. There are no false positives.

15. Question: Where will the tests be taken?

Answer: Collections occur on site at the activity or in authorized local medical facilities such as a doctor's office or clinic.

16. Question: How long will the test take?

Answer: The sample collection procedure usually takes less than 15 minutes. When collections are not performed at the activity, travel time will vary with the location of the testing site.

17. Question: Will employees be watched during collection of the sample?

Answer: In most case, employees will be asked to provide specimens in the privacy of a toilet stall without direct observation. Collections will not be observed unless there is reason to believe an employee will try to tamper with the sample. If an employee has tampered with a previous test or tries to smuggle in a clean sample or chemicals to adulterate the sample, an observed collection may be authorized. However, no collections will be observed without the express approval of the DTPM. The collection contractor cannot make the decision to observe a collection without obtaining authorization from the DTPM. The reasons for requesting an observed collection must be documented in writing.

18. Question: What happens to the sample once it is given by the employee?

Answer: The testing program mandates that strict chain of custody procedures be followed. The specimen container is sealed in front of the employee and the employee signs, confirming that the sample in the container is in fact that employee's specimen. The container is then sealed in an airtight bag, packed in a cardboard box, and sent to the laboratory by overnight mail. At every step of the process, all individuals who handle the specimen have to sign a chain of custody form to indicate that they received the specimen, it was in good condition, and that it wasn't tampered with or adulterated.

19. Question: When will I hear my test results?

Answer: It is assumed that employees know if they are using illegal drugs. Therefore, and because all tests are presumed to be negative until proven otherwise, employees will not routinely receive notification of negative test results. If a test is positive, the employee will be contacted by the Medical Review Officer (MRO) within about 2 weeks. The Agency will not learn the test results until after the MRO has discussed them with the employee.

20. Question: I'm taking a prescription medication on my doctor's orders—will this give me a positive test result?

Answer: Because DLA is testing for specific drugs; marijuana, cocaine, opiates, amphetamines, and PCP, the test will probably not detect your medication. However, should our program be expanded to include other drugs, the tests may indicate your use of those drugs. However, before your test result is reported to the Agency, it will be reviewed by a physician—the MRO. The MRO who will contact you directly to discuss any positive result. If you have a valid doctor's prescription for the medicines you are taking, and if there is no other evidence of illegal drug use, the MRO will conclude that there has been no drug abuse and will not report the positive test results to the Agency. DLA will be informed that your test result was negative, just as if you were taking no medication.

21. Question: What will happen to me if I have a positive test result?

Answer: All DOD employees are required to refrain from using illegal drugs. DOD Directive 1010.9, DOD Civilian Employees Drug Abuse Testing Program, requires that disciplinary action be initiated against employees who violate this requirement, except for those who voluntarily identify themselves as users of illegal drugs, obtain counseling and rehabilitation, and thereafter refrain from illegal drug use. The penalties that may be imposed for a first offense range from a 15 day suspension to removal.

In addition to this disciplinary action, an employee in a sensitive position who tests positive for drugs must be reassigned to a non-sensitive position. All employees who test positive for drugs must be referred to the Employee Assistance Program (EAP) for counseling and referral to appropriate programs of treatment or rehabilitation.

A second positive drug test after rehabilitation will result in removal from the Federal service.

22. Question: What if the laboratory makes an error and says my sample is positive when it is not?

Answer: This is not expected to happen. As answer number 16 indicates, the tests used are extremely accurate. With current technology, a false positive result is very unlikely. However, if you wish to confirm a positive test result, DLA will arrange to have a second NIDA-certified laboratory retest your sample at no cost to you. The only requirement is that there is an adequate sample left to test. A second test of a new sample is not authorized. Because most drugs leave the body within a few days or weeks, a second sample taken a week or two later would not necessarily give the same test result as the first.

23. Question: Help! I have a drug problem and do not want to get caught. What can I do before testing starts?

Answers: Call EAP **now** at 1-800-222-0364. Make an appointment for confidential counseling. It can help, and it might save your job!