

# DRUG-FREE WORKPLACE TRAINING FOR EMPLOYEES AND SUPERVISORS



# BACKGROUND AND IMPLEMENTING POLICY

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- Executive Order 12564 signed on 15 September 1986, established a goal of achieving a drug-free Federal workplace and made it a condition of employment for all federal employees to refrain from using illegal drugs on or off duty. Section 503 of Public Law 100-71 signed by Congress on 11 July 1987, was enacted to establish uniformity among federal agencies, require their personal drug testing records, ensure confidentiality of test results and provide centralized program oversight. A Department of the Navy Drug-Free Workplace Plan (DFWP) was developed in compliance with these references and has been certified as meeting all requirements.



# DRUG PROGRAM COORDINATOR (DPC) ROLES AND RESPONSIBILITIES

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- Direct, administer and manage DFWP within command
- Coordinate and provide information, training and assistance to employees and supervisors
- Maintain TDP Pool and identify employees selected for random drug testing
- Issue 30-day Individual Notices
- Arrange Drug Testing
- Notify selected employee's first-level supervisor approximately 2 hours prior to actual time of collection (and provide copy of "Checklist for Supervisors")
- Process Test Results
- Maintain Confidential Records

# DRUG PROGRAM COORDINATOR (DPC) ROLES AND RESPONSIBILITIES

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- “Positive” Test Result
  - Inform employee, supervisor, Civilian Employee Assistance Program (CEAP), and security of “Positive” test result (for “Positive” test result for pre-employment, inform HRO/HRSC)
  - Coordinate with laboratory
  - Complete documentation and report
    - Compiles Anonymous Statistical Data
    - Annual Report to Department of Health and Human Services (DHHS) Forwarded to Congress
  - Testify at hearings

# USNA'S DPC CONTACT INFORMATION

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# SUPERVISOR ROLES AND RESPONSIBILITIES

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- Take Supervisor DFWP Training
- Random and Voluntary Drug Testing
  - Approximately 15 to 30 minutes prior to collection, privately inform employee with the exact time and location of test. (If more time is required for travel to collection site, notify no more than 60 minutes in advance.)
  - Will explain to employee that he/she is under no suspicion of taking drugs and that their name was randomly selected
  - Respond to any employee's questions
  - Provide "Checklist for Employees" to employee prior to testing and instruct employee to take appropriate photo identification
  - Discuss with higher level supervisor of any problem which may arise with regard to the employee reporting for the test as scheduled. (If a deferral is required, supervisor will furnish DPC with required written documentation.)

# SUPERVISOR ROLES AND RESPONSIBILITIES



- Reasonable Suspicion Drug Testing
  - Observe pattern of abnormal conduct or erratic behavior, believe employee is using drugs
  - Discuss with higher level authorization
  - Request drug testing for Schedule I and II drugs
  - Document/maintain records
- Accident or Unsafe Practice
  - Gather information and document
  - Discuss with upper management and get approval for testing
  - Initiate an accident or unsafe practice drug test
- “Positive” Test Results
  - Problem solving
  - Discuss with upper management on Disciplinary Action
  - Discuss with employee Disciplinary Action and/or options (i.e. CEAP)
  - Document/maintain records

# EMPLOYEE ROLES AND RESPONSIBILITIES

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- Refrain from illegal use of drugs on or off-duty at all times
- Individual in “Testing Designated Position” (TDP)
  - Sign and return “Acknowledgement of Receipt” to DPC
  - Be on time and bring appropriate photo identification to test site
  - Provide urine sample when required
  - Cooperate with the Medical Review Officer (MRO), to provide additional information regarding a drug test
- Individual with “Positive” test result
  - Will have the opportunity to justify to MRO
    - **(note: if you are taking someone else’s prescription (prescription is not in your name) this is illegal and will be considered a “Positive” test result)**
  - Be responsible for successful completion of any rehabilitation or treatment required as the result of illegal use of drugs
  - Follow-up testing as required





# ADDICTION (DEPENDENCE)

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Addiction is a chronic, progressive, relapsing disorder characterized by compulsive use of one or more substances that results in physical, psychological, or social harm to the individual and continued use of the substance or substances despite this harm. Addiction has two possible components, physical dependence and psychological dependence:

- **Physical dependence**—A state of becoming physically adapted to alcohol or other drugs. There are two important aspects to physical dependence:
  - Tolerance —The need for higher and higher doses to achieve the same effects.
  - Withdrawal —The appearance of physical symptoms (e.g., nausea, chills, and vomiting) when someone stops taking a drug too quickly.
- **Psychological dependence**—A subjective sense of need for alcohol or other drug, either for its positive effects or to avoid negative effects associated with no use.



# NATURE OF ADDICTION

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Although addiction unquestionably begins with a voluntary act of using a drug, continued use often becomes involuntary, ultimately to the point that the behavior is driven by a compulsive craving. The compulsion results from a number of factors, including dramatic changes in brain function produced by prolonged exposure to the drug. This is why addiction is considered a brain disease. It is this compulsion that causes most of the problems surrounding addiction and what requires multidimensional regimens of treatment. Once addicted, it is almost impossible for most people to stop the spiraling cycle of addiction on their own without treatment. Furthermore, addiction often becomes a chronic recurring disorder for which repeated treatment episodes are required before an individual achieves long-term abstinence.

# CHARACTERISTICS OF ADDICTION

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Addiction to alcohol or other drugs may be:

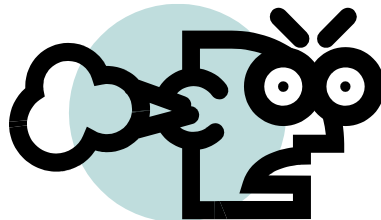
- **Chronic**—Once an addiction is developed, it will always have to be addressed. An addict may manage to stop using alcohol or other drugs for significant periods of time, but the disease typically does not disappear. Rather, it goes into remission. Should “normal” drug use be attempted, “out of control” use will return rapidly.
- **Progressive**—Addiction gets worse over time. With some drugs, the decline is rapid. With others, like alcohol, it can be more gradual.
- **Primary**—Addiction is not just a symptom of some underlying psychological problem. Once the use of alcohol or drugs becomes an addiction, the addiction itself needs to be treated as the primary illness.
- **Terminal**—Addiction to alcohol or other drugs often leads to death through damage to major organs of the body. Also, the risks of contracting Hepatitis C and HIV rise with use.

# TYPICAL SIGNS OF ADDICTION



- **Emotional** – Aggression, anxiety, burnout, denial, depression, and paranoia.
- **Behavioral** – Excessive talking, impaired coordination, inability to sit still, irritability, lack of energy, limited attention span, poor motivation, slow reaction time, and slowed or slurred speech.
- **Physical** – Chills, the smell of alcohol, sweating, and weight loss.

***Note: While the aforementioned emotional and physical signs will likely be present, employers and coworkers also should be cognizant of continual missed appointments, excessive and unexplained absences or days off from work, and repeated mistakes.***



# TYPES OF DRUGS TESTED FOR



- DON will test civilian employees and tentative selectees who fall into the Testing Designated Positions (TDPs) for the following six types drugs:



**Cocaine**



**Cannabis  
(Marijuana)**



**Amphetamines**



**Opiates**



**Phencyclidine  
(PCP)**



**Ecstasy**

- Under the basis of reasonable suspicion or after an accident or unsafe practice, any employee can be tested for other types of drugs.
- And any other drug(s) subsequently approved by Department of Health and Human Services (DHHS) for testing on an agency-wide basis.
- In addition, on basis of reasonable suspicion or after an accident or unsafe practice, any employee can be tested for other types of drugs.



# TYPE OF DRUG TESTING

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- The goal of a viable Drug-Free Work Place is deterrence of illegal drug use through a carefully controlled and monitored program of six types of drug testing:
  - a) **Random Testing**: Annually, individuals who occupy a “Testing Designated Position” (TDP) will be randomly selected for drug testing without prior announcement.
  - b) **Applicant Testing**: Testing required of all individuals tentatively selected for employment in a TDP. Individuals who use illegal drugs will be screened out during the initial employment process before being placed on the employment rolls.



# TYPE OF DRUG TESTING

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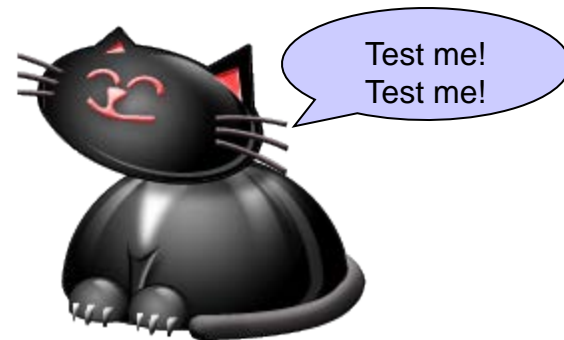
- c. **Accident or Unsafe Practice Testing:** Authorized test of any employee involved in an on-the-job accident, or who engages in unsafe, on duty, job-related activity. For example, an accident which results in death or personal injury and/or damage to Government or private property. Before a test is conducted based on an accident or unsafe practice, it must be approved by at least a second level supervisor.
  
- d. **Reasonable Suspicion Testing:** Testing conducted when management has reason to believe that an employee may be using illegal drugs. The suspicion must be based on specific objective facts and reasonable inferences drawn from these facts, and be documented. Approval for such testing must be received from a higher level supervisor. Reasonable suspicion testing could be based on such factors as observed drug use or possession, physical evidence of an employee being under the influence of drugs, or evidence of tampering with a drug test urine sample.

# TYPE OF DRUG TESTING

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- e. **Voluntary Testing**: Testing of employees who are not in, but who volunteer for unannounced random testing.



- f. **Follow-Up Testing**: Testing of employees who undergo a counseling or rehabilitation program for illegal drug use through the Employee Assistance Program (EAP). These employees are subject to unannounced testing following completion of such a program for a period of one year.





# TYPE OF DRUG TESTING

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***Note: Individuals who refuse or do not show-up at the time designated for their drug test or adulterate/substitute a specimen, will be treated as though they had a Positive Test Result and Disciplinary Action will be taken.***



# DEFERRAL OF TESTING

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A deferral of an employee's random drug test may be authorized by the DPC, when requested by the employee's first level supervisor with higher level concurrence. The request must be in writing and be based on a compelling need which necessitates the deferral on the basis that the employee is:

- In a non-duty status (previously approved) such as annual or sick leave, suspension, absent without leave, continuation of pay, etc.
- In an official travel status away from work site or is about to embark on official travel scheduled prior to testing notification
- Working a different shift
- Performing a task or project that requires the employee's presence at the work site during the time testing is scheduled
- Exemption –during treatment and rehabilitation (Safe Harbor, EAP, etc.)

The DPC will reschedule employee for unannounced testing within the next 60 days.



# DISCIPLINARY ACTION

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- Take out of TDP
- For First Offense (referred to EAP) and 14-day Suspension to Removal
- Must Initiate Removal for
  - Refusal of counseling
  - Second illegal drug use
- Failure to Show or Refusal to be Tested
  - Same discipline as for "Positive"





# QUESTIONS AND ANSWERS

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- **Will employees know in advance of the testing?**

Selection of individuals for random testing will always be unannounced. An employee will be notified when and where to report by his or her supervisor approximately 15 to 30 minutes before the test.

- **How often may an agency test any given employee?**

There is no limitation on the frequency with which an employee may be tested for illegal drug use. Under random testing, the employee will be tested whenever the sampling method used selects the employee. In addition, the employee could also be tested for some other reason, e.g., post accident, as determined necessary.

- **What if an employee or applicant refuses to appear for a testing?** This is treated as a “Positive” test result. An employee who fails to appear for testing without a deferral will be subject to disciplinary action. If an applicant for employment refuses to participate in testing, the tentative offer of employment will be canceled.



# QUESTIONS AND ANSWERS

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- **What if I can't provide a sample?**

You will be given fluids and required to remain at the testing site until the time you can provide a sample. Or a physician may examine you.

- **What is the test like? Will the employee's privacy be protected?**

Yes. Any individual subject to testing will be permitted to provide a urine specimen in private, in a rest room stall or similar enclosure, so that the employee is not observed. The employee will be accompanied into the rest room by an individual of the same sex who will wait outside the stall while the sample is being provided to detect any attempts at adulteration.

An exception to unobserved collection will be made only where collection site personnel have reason to believe the individual may alter or substitute the specimen to be provided or when the basis for conducting the test is reasonable suspicion or follow-up, as described below. In such a case, collection site personnel, of the same gender as the individual being tested, would directly observe the employee provide the sample. A higher level supervisor shall review and concur in advance with any decision to obtain a specimen under direct observation except in cases of follow-up testing.



# QUESTIONS AND ANSWERS

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- **How can I be sure the test results are actually mine?**

The Department of the Navy Program, as required by DHHS, mandates a strict "chain of custody" to ensure no specimen mix-ups. Chain of custody procedures in Department of the Navy's testing program ensure that the urine sample taken from an employee is properly identified and is not accidentally confused with any other sample. These procedures apply when collecting, transferring, analyzing and storing the sample. Each employee will be required to sign or initial the bottle used to transfer the sample to the testing laboratory to certify that it contains his or her sample. The bottle will then be sealed. With each subsequent transfer of possession of a specimen, a chain of custody form will be dated, signed, and annotated as to the purpose of the transfer. This provides for control and accountability from the point of collection to the final disposition of the sample.



# QUESTIONS AND ANSWERS

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- **What happens if the laboratory test is “Positive”?**

It is important to remember that a “Positive” test result does not automatically identify an employee or applicant as an illegal drug user. The MRO will assess whether a “Positive” urine test may have resulted from legitimate medical treatment or from some error in the chain of custody or laboratory analysis.

- **What records are being kept on the testing? Will the test results be part of an employee's OPF?**

Test results will not become a part of the employee's OPF, but will become part of the "Employee Medical File System of Records". There are legal Safeguards against inappropriate disclosure of test results.



# QUESTIONS AND ANSWERS

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- **What if an employee is found to use illegal drugs?**

USNA is committed to providing employees with drug problems assistance in overcoming the problem. Therefore, if an employee has used illegal drugs, he or she will be referred to the Employee Assistance Program (EAP) and given the opportunity for counseling and rehabilitation.

- **Will an employee be fired for illegal drug use?**

The severity of the disciplinary action taken against an employee found to use illegal drugs will depend on the circumstances of each case and may range from a 14-day suspension to removal. In any case, however, the activity must initiate disciplinary action against any employee found to use illegal drugs except for an employee who voluntarily admits to illegal drug use under the "safe harbor" provision.





# SAFE HARBOR

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Executive Order 12564 allows agencies to provide an opportunity for assistance to those employees who voluntarily seek treatment for drug use. "Safe Harbor" insulates the employee from discipline for admitted acts of using illegal drugs when the agency is unaware of such use. Under "Safe Harbor," Department of the Navy will not initiate disciplinary action against an employee who meets the following three conditions:

- Voluntarily identifies him/herself as a user of illegal drugs prior to being identified through any other means;
- Obtains counseling and rehabilitation through the EAP; and
- Thereafter, refrains from using illegal drugs

***Note: An employee who admits to illegal drug use after being notified that he/she is scheduled for a drug test or just after a sample is collected, or who is found to use illegal drugs on the basis of other appropriate evident, e.g., evidence obtained from a criminal conviction, is not eligible for "Safe Harbor."***

**The key to effectiveness of "Safe Harbor" is that an employee must be willing to admit to having a problem and be willing to seek help to solve the problem.**

# EMPLOYEE ASSISTANT PROGRAM (EAP)

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The EAP plays an important role in preventing and resolving drug abuse problems. Employees are encouraged to voluntarily seek assistance from EAP for drug abuse problems. EAP provides information and advice to supervisors; confronts employees referred to the Program who have performance and/or conduct problems; and makes referrals to appropriate treatment and rehabilitation facilities. EAP also provides follow-up counseling to individuals during rehabilitation to track their progress and encourage full recovery. The cost of actual treatment or rehabilitation is borne by the employee and his or her Health Benefits carrier under the terms of coverage contained in the contract with the insurance carrier. The EAP is administered separately from the drug testing program and is available to all employees without regard to a finding of illegal drug use.

# USNA EAP SERVICE

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## **Federal Occupational Health**

Website: [www.FOH4You.com](http://www.FOH4You.com)

Phone: 1-800-222-0364

# EXEMPTION DURING TREATMENT AND REHABILITATION

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While undergoing initial treatment or rehabilitation through the Employee Assistance Program (EAP), and at the request of the EAP Administrator, the employee may be exempted from random testing for a period not to exceed 60 days or for a time period specified in the rehabilitation plan. Upon completion of the stipulated exemption, the employee will be included in a separate testing pool at the activity/command as a part of or as follow-up to counseling or treatment for illegal drug use for a period of 1 year, in addition to remaining in the regular random testing pool if occupying a TDP.



# CONGRATULATIONS!!!

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You have completed your annual  
Drug Free Workplace Training!

To receive credit for this course, please  
e-mail your DPC Jeanene Waite at [jwaite@usna.edu](mailto:jwaite@usna.edu)

You **MUST** include your **Full Name and Course Title** in the body  
of the email