



NATIONAL CAPITAL REGION MEDICAL DIRECTORATE DIRECTIVE-TYPE MEMORANDUM



JAN 07 2015

MEMORANDUM FOR: NATIONAL CAPITAL REGION MEDICAL DIRECTORATE
(NCR MD) STAFF
DIRECTORS, WALTER REED NATIONAL MILITARY
MEDICAL CENTER (WRNMMC) AND FORT BELVOIR
COMMUNITY HOSPITAL (FBCH)
DIRECTOR, JOINT PATHOLOGY CENTER (JPC)

SUBJECT: NCR MD-Directive-Type Memorandum (DTM) 15-001, Reasonable Suspicion
Drug Testing of Civilian Employees

References: See Attachment

Purpose. This DTM, based on the authority of References (a) through (d) and in accordance with (IAW) References (e) through (h), establishes NCR MD procedures for reasonable suspicion drug testing for civilian employees as required by Reference (f). This DTM is effective immediately; it will be converted to a new NCR MD Administrative Instruction. This DTM will expire effective 1 year from the date of signature.

Applicability. This DTM applies to civilian employees of the NCR MD, WRNMMC to include the DiLorenzo Clinic and the Tri-Service Dental Clinic, FBCH to include the Dumfries and Fairfax Clinics, and the JPC. Hereafter, these facilities are collectively referred to as Joint Medical Treatment Facilities (MTFs) and Centers.

Policy. DoD policy requires employees to refrain from using illegal drugs. The work of the NCR MD must not be compromised by drugs in the workplace. To accomplish this, drug abuse urinalysis testing for DoD civilian employees (hereafter referred to as "employees") may be based on a reasonable suspicion that the employee used or uses illegal drugs IAW References (f) and (g). Reasonable suspicion testing may be conducted on employees in testing designated positions for on-duty or off-duty use, possession, or physical symptoms of drug impairment. DoD employees may also be subject to drug testing due to involvement in a work related incident or safety mishap, and as a follow-up to a drug rehabilitation or counseling program. Reasonable suspicion does not require certainty; however, more than "hunches" or "rumors" are not sufficient to meet this standard. The suspicion must be based upon specific objective facts and inferences drawn from facts such as:

- Observable phenomena such as direct observation of drug use or possession and/or the physical symptoms of being under the influence of a drug.

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- A pattern of abnormal conduct or erratic behavior that evidence symptoms of drug use.
- Arrest or conviction for a drug-related offense, or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use, or trafficking.
- Newly discovered evidence that the employee has tampered with a previous drug test, such as the temperature or color of the urine sample.

Responsibilities

- Joint MTF and Center Directors. The Joint MTF and Center Directors will support the procedures of reasonable suspicion testing.
- Employees. DoD civilian employees will be informed about the criteria for reasonable suspicion upon receipt of the 60 days notification letter. Employees can receive assistance to resolve personal problems that have or will have an adverse impact on job performance and/or conduct. Civilian employees may contact a Federal Occupation Health Employee Assistance Program (EAP) Counselor at 1-800-222-0364.
- Supervisors. Supervisors will receive the necessary training to recognize facts and evidence that warrant requiring a DoD civilian employee to submit to reasonable suspicion based drug testing. Supervisors may refer employees to the EAP in situations where they believe alcohol, drugs, or other personal problems are adversely impacting job performance and/or conduct (Reference (h)).

Procedures

- If an employee is suspected of using illegal drugs, the appropriate supervisor will gather all information, facts, and circumstances leading to and supporting the suspicion.
- Supervisors, upon determining reasonable suspicion indicated the use of drugs and with the concurrence and vocal approval of higher (Division Chief-level) supervisor, may immediately contact the Drug Free Workforce Testing Program Coordinator (DFWTPC) to schedule drug testing.
- When high-level concurrence of a reasonable suspicion determination has been made, the appropriate supervisor will promptly prepare a written report detailing the circumstances that formed the basis to warrant the required reasonable suspicion testing. This report should include the appropriate dates and times of reported drug related incidents, reliable/credible sources of

information, rationale leading to the test, and the action taken by both the employee and supervisor as appropriate.

- The report will be provided to the DFWTPC with a copy to the servicing Legal Advisor no later than 2 days after the reasonable suspicion determination has been made.
- After higher-level concurrence of a reasonable suspicion determination has been made and documented in writing, the supervisor will contact the DFWTPC to arrange for a reasonable suspicion drug test to be conducted. The test will be conducted IAW established procedure for drug testing currently in place.
- Before conducting a drug test, the higher-level management official will inform the to-be-tested employee of the opportunity to submit medical documentation that may support a legitimate use for a specific drug. The test may be given any time after the employee is so notified.
- The employee may be asked to provide the drug test sample under observation IAW the criteria in Reference (g).
- Supervisors will be trained to address illegal drug use by employees, to recognize facts and evidence that give rise to a reasonable suspicion, and to document facts and circumstances to support a finding of reasonable suspicion. Failure to receive such training will not invalidate otherwise proper reasonable suspicion drug testing.

Releasability. Cleared for public release. This DTM is available on the Internet from the NCR MD Website at www.capmed.mil.



R. C. BONO
RADM, MC, USN
Director

Attachment:
As stated

ATTACHMENT

REFERENCES

- (a) Deputy Secretary of Defense Action Memorandum, "Implementation of Military Health System Governance Reform," March 11, 2013
- (b) DoD Directive 5136.13, "Defense Health Agency (DHA)," September 30, 2013
- (c) National Capital Region (NCR) Medical Directorate Concept of Operations, September 10, 2013
- (d) Office of the Assistant Secretary of Defense Health Affairs Memorandum, "Legal Effect of Joint Task Force Guidance after October 1," October 4, 2013
- (e) DoD Instruction 5025.01, "DoD Issuances Program," June 6, 2014, as amended
- (f) Executive Order 12564, "Drug-Free Federal Workplace," September 15, 1986
- (g) DoD Instruction 1010.09, "DoD Civilian Employee Drug-Free Workplace Program," June 22, 2012
- (h) JTF CapMed Instruction 1426.01, "Civilian Employee Assistance Program (CEAP)," January 11, 2012, as amended

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GLOSSARY

ABBREVIATIONS AND ACRONYMS

DFWTPC	Drug Free Workforce Testing Program Coordinator
DTM	Directive-Type Memorandum
EAP	Employee Assistance Program
FBCH	Fort Belvoir Community Hospital
IAW	in accordance with
JPC	Joint Pathology Center
MTF(s)	Medical Treatment Facility/Facilities
NCR MD	National Capital Region Medical Directorate
WRNMMC	Walter Reed National Military Medical Center