

OCHR FACTSHEET

Drug-Free Workplace Program

Audience: All DON employees

Issued: November 2014

FACT SHEET TYPE

This Fact Sheet:

- States DON policy on illegal drug use
- Answers specific DFWP questions applicable to all DON employees
- Specifically discusses Testing Designated Positions (TDP)

Background

The Federal Drug-Free Workplace Program (DFWP) is authorized by Executive Order 12564 and Public Law 100-71. DON policy is to eliminate the illegal use of drugs by civilian employees. Illegal drug use is incompatible with the maintenance of high standards of conduct and performance, military discipline, military readiness and safe and reliable mission accomplishment. Appropriate administrative action will be taken in every instance of detected illegal drug use.

Testing Designated Positions (TDP) and Types of Testing

A TDP is a position requiring a Top Secret clearance, a Secret clearance with Access to a Special Access Program, and/or specifically approved series, job titles, and duties. There are 5 types of testing within DON: applicant, random, reasonable suspicion (RS), post-accident/unsafe practice (PA), and follow-up. All DON employees are subject to RS, PA, and follow-up testing if the criteria are met; however, applicant and random testing is authorized only for TDPs.

Prescriptions/over-the-counter (OTC) medications

All employees, but especially those subject to random testing, must ensure they have a current prescription in their own name from a licensed health care provider for any medications. Expired prescriptions, or those under another person's name (even a spouse or child), are not legitimate medical explanations. Employee's must communicate with their health care provider any concerns they may have about their prescriptions causing a positive test and to ensure any doubt about the legitimacy of the prescriptions is resolved with the health care provider. Drugs illegal under Federal law (such as marijuana) may not form the basis for a legitimate medical explanation in a federally-mandated drug testing program.

Employees travelling to foreign countries are advised to be certain that locally available medications will not produce a positive test result or to ensure they have a bonafide prescription from a medical doctor. Extra caution should be used when purchasing and using over-the-counter (OTC) drugs when in a foreign country, since claiming the OTC drug caused the positive test result may not be a legitimate medical explanation.

Positive or Non-Negative test results

A "verified positive" result comes from a finding by the MRO of illegal drug use; a "non-negative" result comes from the laboratory analysis concluding the urine sample has either been adulterated in some way or is not human urine, e.g., animal urine. All urine samples collected are sent to the Fort Meade laboratory for analysis. A drug test result may be initially positive for either legal or illegal drugs, and in all cases of an initial positive or non-negative finding the Medical Review Officer will contact the employee for justification of the result. If the employee can provide a legitimate medical explanation (a current prescription, for example), he or she will provide documentation to the MRO and the initial positive result will be reported as a negative test. If the employee is unable to provide the MRO a legitimate medical explanation, the initial positive will be reported as either a verified positive or non-negative result. Ingestion of hemp products will not be accepted as justification for positive marijuana test results.

Refusal to provide a urine sample, failure to appear for testing without proper authorization (deferral), and adulteration/substitution carry the same penalty as a verified positive or non-negative test result, which ranges from a 14 day suspension to removal for a first offense. A second offense requires a proposed removal from Federal service. Suspected specimen adulteration or substitution at the time of collection, indicated by the temperature or color of the urine or other evidence, may form the basis for reasonable suspicion testing.

Safe Harbor

Safe Harbor is a voluntary self-referral by any employee to get assistance in dealing with illegal drug use. To be eligible, employees must request Safe Harbor by voluntarily identifying himself or herself as an illegal user of drugs to a supervisor or other higher level management official prior to being identified through other means before or being notified of a drug test. Safe Harbor insulates the employee from disciplinary action for illegal drug use, but it does not protect the employee from actions taken resulting from a loss of security clearance. Safe Harbor is for users of illegal drugs, and drug dealers or those involved in other drug-related misconduct are not eligible. Employees approved for Safe Harbor receive a mandatory CEAP referral, are required to complete an accredited rehabilitation program, and are required to conduct follow-up drug testing for one year or as otherwise specified in a last chance agreement or settlement agreement. Any subsequent positive drug test or Safe Harbor request is deemed a second finding of illegal drug use and requires removal from Federal service.

Civilian Employee Assistance Program (CEAP)

For both a verified positive or non-negative test result and an approved Safe Harbor request, a mandatory CEAP referral applies. The employee will contact the DONCEAP at donceap.foh.hhs.gov or 1.844.366.2327 and explain that he or she is a Navy employee and needs a referral for illegal drug use. The employee will be provided the contact information for a health care provider within the CEAP network and is responsible for making and keeping the appointment. The health care provider will evaluate the employee and further refer him or her to the rehabilitation program most appropriate for the employee's specific needs.

Where to Find Additional Information

For additional information on the DON DFWP contact your command Drug Program Coordinator or visit: <https://www.portal.navy.mil/donhr/Pages/Default.aspx> > Workforce Relations and Compensation > Drug-Free Workplace



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