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CEHR

Regulation
No. 690-1-1218

30 June 2021

Human Resources
CIVILIAN DRUG-FREE WORKPLACE PROGRAM

1. Purpose. This regulation prescribes policies, assigns responsibilities, and outlines detailed instructions and administrative procedures for the USACE Civilian Drug-Free Workplace Program.
2. Applicability. This regulation applies to all USACE elements, including Headquarters USACE, Major Subordinate Commands (MSCs), Districts, Laboratories, Centers, and Field Operating Activities (FOAs). In the event of a conflict between a Collective Bargaining Agreement and this regulation, the provision(s) of the negotiated agreement will prevail until and unless changes to that agreement are negotiated, or the agreement is no longer in force. MSCs and District Commanders have the authority to maintain a local established policy that does not conflict with this regulation.
3. Distribution Statement. Approved for public release; distribution is unlimited.

FOR THE COMMANDER:



JOHN P. LLOYD

8 Appendixes:

- A: Sample Voluntary Testing Agreement COL, EN
- B: Sample Follow-Up Testing Notification Chief of Staff
- C: DA Form 5019
- D: Drug-Free Workplace Testing Designated Positions
- E: USACE-Specific TDP Categories
- F: Fort Meade Forensic Toxicology Laboratory Procedures
- G: Random TDP Selection Procedures
- H: Sample Notification to Report for Drug Testing

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Glossary

Chapter 1 General

1-1. Purpose. This regulation prescribes policies, assigns responsibilities, and outlines detailed instructions and administrative procedures for the USACE Civilian Drug-Free Workplace Program.

1-2. Applicability. This regulation applies to all USACE elements, including Headquarters USACE, Major Subordinate Commands (MSCs), Districts, Laboratories, Centers, and Field Operating Activities (FOAs). In the event of a conflict between a Collective Bargaining Agreement and this regulation, the provision(s) of the negotiated agreement will prevail until and unless changes to that agreement are negotiated, or the agreement is no longer in force. MSCs and District Commanders have the authority to maintain a local established policy that does not conflict with this regulation.

1-3. Distribution Statement. Approved for public release; distribution is unlimited.

1-4. References.

a. 5 U.S.C. Chapters 7361 and 7362 - Drug Abuse, Alcohol Abuse and Alcoholism.
(<https://uscode.house.gov/view.xhtml?path=/prelim@title5/part3/subpartF/chapter73&edition=prelim>)

b. Public Law 100-71, Supplemental Appropriations Act of 1987, 5 United States Code 7301, 101 Stat. 468, Sec. 503. (<https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title5-section7301&num=0&edition=prelim>)

c. Executive Order 12564, Drug-free Federal Workplace, 15 September 1986.
(<https://www.archives.gov/federal-register/codification/executive-order/12564.html>)

d. Department of Defense (DoD) Instruction 1010.9, DoD Civilian Employee Drug-Free Workplace Program, incorporating Change 1, 28 June 2018.
(<https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/101009p.pdf>)

e. Army Regulation (AR) 380-67, Personnel Security Program.
(https://armypubs.army.mil/epubs/DR_pubs/DR_a/pdf/web/r380_67.pdf)

f. Army Regulation (AR) 600-85, The Army Substance Abuse Program (ASAP). 29 July 2020. (https://armypubs.army.mil/epubs/DR_pubs/DR_a/ARN30190-AR_600-85-001-WEB-3.pdf)

g. Army Regulation (AR) 690-700, Chapter 751, Discipline.
(https://armypubs.army.mil/epubs/DR_pubs/DR_a/pdf/web/ARN10360_R690_700_Finalph.pdf)

h. Department of the Army (DA) Pamphlet 600-85, Army Substance Abuse Program Civilian Services, 29 July 2020. (https://armypubs.army.mil/epubs/DR_pubs/DR_a/ARN30135-PAM_600-85-000-WEB-1.pdf)

i. Department of the Army (DA) Form 5019, Condition of Employment for Certain Civilian Positions Identified Critical Under the Department of the Army Drug-Free Federal Workplace Program. (https://armypubs.army.mil/pub/eforms/DR_a/pdf/A5019.pdf)

j. Federal Register (FR), Mandatory Guidelines for Federal Workplace Drug Testing Program: Final Rule, Federal Register, 82 FR 7920. (https://www.samhsa.gov/sites/default/files/workplace/frn_vol_82_7920_.pdf)

k. Department of Health and Human Services (HHS), “Guidance for Selection of Testing Designated Positions (TDPs). (<https://www.samhsa.gov/sites/default/files/workplace/09-2013-guidance-selection-tdps-2-13-17.pdf>)

l. Department of Health and Human Services (HHS), Urine Specimen Collection Handbook for Federal Agency Workplace Drug Testing Programs. (https://www.samhsa.gov/sites/default/files/workplace/urine-specimen-collection-handbook-oct2017_2.pdf)

m. HHS, Medical Review Officer Guidance Manual for Federal Workplace Drug Testing Programs (https://www.samhsa.gov/sites/default/files/workplace/mro-guidance-manual-oct2017_2.pdf).

n. U.S. Department of Transportation Federal Motor Carrier Safety Administration (FMSCA), 49 CFR Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs (<https://www.ecfr.gov/cgi-bin/text-idx?SID=44edbc0e557a4cc5ff03365810ee5b1c&mc=true&node=pt49.1.40&rgn=div5>)

o. FMSCA, 49 CFR Part 382, Controlled Substances and Alcohol Use and Testing (<https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&ty=HTML&h=L&mc=true&=PART&n=pt49.5.382>)

1-5. Records Management (Recordkeeping) Requirements. The records management requirement for all record numbers, associated forms, and reports required by this regulation are addressed in the Army Records Retention Schedule-Army (RRS-A). Detailed information for all related record numbers are located in ARIMS/RRS-A at <https://www.arims.army.mil>. If any record numbers, forms, and reports are not current, addressed, and/or published correctly in ARIMS/RRS-A, see Department of the Army (DA) Pamphlet 25-403, Guide to Recordkeeping in the Army.

1-6. Policy. It is USACE policy that:

a. USACE is a drug-free workplace and employees are prohibited from using illegal drugs, whether on duty or off duty consistent with References (a) and (c) and the guidance for selection of testing designation positions (TDP) outlined in References (f) and (k).

b. Supervisors will intervene early when alcohol misuse and/or drug abuse are adversely affecting an employee's job performance and/or behavior. Supervisors are encouraged to use the Employee Assistance Program (EAP) services in conjunction with disciplinary actions, which must be coordinated with the servicing Civilian Personnel Advisory Center (CPAC).

c. All employee drug testing procedures will be carried out in a laboratory setting certified by the Substance Abuse and Mental Health Services Administration (SAMHSA).

d. Any attempt by an employee to defeat the Civilian Drug-Free Workplace Program or assisting another person attempting to do the same is expressly prohibited and is a violation of this regulation. Personnel in violation of this provision will be subject to the full range of disciplinary or administrative actions, as appropriate.

e. Employees in and applicants for TDPs will only be drug tested using the split-sample collection procedures under HHS, DOT, and USCG rules.

1-7. Responsibilities. Implementation of an effective Civilian Drug-Free Workplace Program requires the full cooperation and active involvement of all parties, including Commanders, Supervisors, EAP providers, Drug Testing Program Managers, Labor Counselors, servicing CPAC Specialists, and Division/MSC and District/FOA Drug Test Coordinators (DTCs). In addition to those listed below, other duties and responsibilities will be delineated as appropriate under the respective testing programs.

a. Commanders will actively support the USACE Civilian Drug-Free Workplace Program. Commanders will appoint a primary and alternate DTC to assist with the Civilian Drug-Free Workplace Program.

b. Civilian Drug Testing Program Manager.

(1) Will manage and monitor the Civilian Drug-Free Workplace Program.

(2) Will develop, coordinate, and recommend USACE policies and procedures for implementing the Civilian Drug-Free Workplace Program.

(3) Will work with the Department of Interior for annual contracts and service level agreements for drug testing services.

(4) Will prepare budget submissions and execute annual funding requirements.

(5) Will submit requests for additional TDPs in coordination with Division/MSC and Headquarters program managers, safety and legal personnel.

(6) Will ensure Division/MSC DTCs receive adequate training.

c. Division/MSC DTCs.

(1) Will serve as the Division/MSC Civilian Drug-Free Workplace Program subject matter expert.

(2) Will establish and maintain databases for random and voluntary drug and alcohol testing.

(3) Will generate random selection lists and notify the District/FOA DTCs of employees selected to be tested.

(4) Will maintain drug testing records consistent with AR-25-400-2 and paragraphs 3-14, 4-8, and 5-7 of this regulation.

(5) Will ensure District/FOA DTCs receive adequate training.

d. District/FOA DTCs.

(1) Will serve as the District/FOA Civilian Drug-Free Workplace Program subject matter expert.

(2) Will schedule drug test collections (including applicant tests) on the E-Drug system.

(3) Will verify that an original signed “Condition of Employment for Certain Civilian Positions Identified Critical Under the Department of the Army Drug-Free Federal Workplace Program” or DA Form 7412 “Condition of Employment for Certain Civilian Positions Identified Safety-Sensitive Under the Department of Transportation, Federal Highway Administration Rules on Drug and Alcohol Testing.” Program is on file for each employee selected.

(4) Will notify supervisors when their employees are selected for random drug testing.

(5) Will serve as the point of contact for the collection site when an employee fails to report for testing during the specified time period, refuses to provide a sample, or when an observed collection is required.

(6) Will maintain drug testing records consistent with AR-25-400-2 and paragraphs 3-14, 4-8, and 5-7 of this regulation.

(7) Will assist with providing required workforce training.

d. Supervisors.

(1) Will consult with the CPAC Employee Relations Specialist:

- (a) Before initiating any formal disciplinary or adverse action.
- (b) When an employee appears to be under the influence of alcohol or other drugs while on duty.
- (c) When an employee has been reported as an illegal drug user (verified positive drug test).

(2) Will consult with an appropriate legal advisor when there is reasonable suspicion that an employee is engaged in criminal conduct involving alcohol or drugs.

(3) Will privately inform their employees in TDPs when they are to report for random drug testing no earlier than 2 hours before they must report to the test site. If an employee is unavailable for testing for legitimate reasons, the supervisor will coordinate with their assigned DTC. At no time will the supervisor inform deferred employees that they have been selected for random drug testing outside of the two-hour drug testing window.

(4) Will verbally notify employees to be tested. Use of any other means of notification is unauthorized.

(5) Will ensure all positions that meet the established criteria outlined in Appendix D, Appendix E, and Chapters 4 and 5 of this regulation are properly identified as TDPs on the position description.

(6) Will ensure that the position descriptions for TDPs are clearly documented to show the critical safety or security responsibilities that meet the appropriate TDP category's criteria, even if the reassignment is temporary.

(7) Will, in close coordination with the CPAC, assure that TDP incumbents are issued either a DA Form 5019, "Condition of Employment for Certain Civilian Positions Identified Critical Under the Department of the Army Drug-Free Federal Workplace Program" found in Appendix C, or DA Form 7412 "Condition of Employment for Certain Civilian Positions Identified Safety-Sensitive Under the Department of Transportation, Federal Highway Administration Rules on Drug and Alcohol Testing." Supervisors will forward all signed notices to the servicing CPAC.

(8) Will record the names of individuals advised to report for drug testing, the scheduled time for the test, and the time employees were advised to report for testing.

(9) Will complete substance abuse training for supervisors.

(10) Will ensure that TDP incumbents are trained on the Civilian Drug-Free Workplace Program and will retain records of that training.

(11) Will be familiar with the EAP and how to refer employees.

(e) CPAC.

(1) Will code DFW TDPs and those positions subject to DOT and USCG drug and alcohol testing rules, in the Defense Civilian Personnel Data System (DCPDS).

(2) Once concurrence has been obtained from the serviced organization, CPAC will ensure position descriptions and vacancy announcements contain appropriate language about random alcohol (for DOT and USCG covered positions) and drug testing conditions of employment identified by the appropriate command or management officials.

(3) Will ensure that the completed DA Form 5019, "Condition of Employment for Certain Civilian Positions Identified Critical under the Department of the Army Drug-Free Federal Workplace Program" and DA Form 7412, "Condition of Employment for Certain Civilian Positions Identified Safety-Sensitive Under the Department of Transportation, Federal Highway Administration Rules on Drug and Alcohol Testing", are filed in the employee's Electronic Official Personnel Folder.

(4) Will provide assistance to management when an employee has a confirmed positive drug or alcohol test and/or has engaged in DOT/USCG prohibited conduct.

(5) Will ensure that employees, supervisors, and DTCs receive copies of completed forms.

1-8. Categories of Testing Designated Positions. A TDP is a position with duties, responsibilities, and job requirements that place it in one of the approved drug testing categories identified by the Department of Army (DA), DOT, or USCG.

a. DA TDP Categories. The DA has identified categories of positions for inclusion in the TDP. See Appendix D of this regulation for a complete description of each of these categories.

b. USACE-Specific TDP Categories. The DA approved additional TDP categories specifically for USACE. See Appendix E of this regulation for a complete description of these categories.

c. DOT TDP Categories. See Chapter 4 of this regulation for a complete description of these categories.

d. USCG TDP Categories. See Chapter 5 of this regulation for a complete description of these categories.

Chapter 2 Alcohol

2-1. Applicability. Reporting to work under the influence of alcohol is against both Army's and USACE's policy and will not be tolerated. Individuals who choose to consume alcoholic beverages must so do lawfully and responsibly. This policy applies to all USACE worksites and employees regardless of where they are assigned, including alternate duty stations and alternate duty locations.

2-2. General Guidance.

a. An employee's decision to consume alcohol is normally a personal matter, however, when the use or abuse of alcohol interferes with the employee's ability to perform their official duties, the employer may have legitimate concerns regarding proper performance of duties, health and safety issues, and employee conduct at the workplace.

b. Supervisors have an important role in dealing with alcohol problems in the workplace, along with other agency officials, i.e., holding the employee accountable, referring the employee to the EAP, and taking appropriate disciplinary action. Supervisors must be aware of signs that may indicate a problem with alcohol, such as an employee exhibiting belligerent behavior, slurring words, staggering, or falling asleep on the job. Supervisors must document unusual conduct and note circumstances, including the time of day, how often, etc.

c. Appropriate actions will be taken when an employee's performance and conduct problems interfere with their ability to safely perform their assigned duties. Referrals to an EAP for assessment, counseling, and referral for treatment or rehabilitation may be based upon:

(1) Leave and Attendance: Unexplained or unauthorized absence from work; frequent tardiness, excessive use of sick leave; patterns of absence such as the day after payday or frequent Monday or Friday absences; or frequent unplanned absences due to "emergencies."

(2) Performance Problems: Missed deadlines, careless or sloppy work or incomplete assignments; production quotas not met; many excuses for incomplete assignments or missed deadlines; or faulty analysis.

(3) Relationships at Work: Relationships with co-workers may become strained; the employee may be belligerent, argumentative, or short-tempered, especially during mornings or after weekends or holidays.

(4) Behavior at Work: The smell of alcohol, staggering or unsteady gait, bloodshot eyes; mood and behavior changes such as excessive laughter and inappropriate loud talk, excessive use of mouthwash or breath mints, avoidance of supervisory contact, tremors, or sleeping on duty. Employees should never smell of alcohol while on duty.

d. While on duty, employees will not use or be under the influence of alcohol, intoxicants, or similar mind-altering substances not prescribed by an appropriate medical authority.

e. Employees are expected to refrain from consuming alcoholic beverages far enough in advance of the start of their shift (normally, within four hours) to be able to report to work unimpaired. The consequences of reporting to work impaired are:

- (1) Employee will be charged absent without official leave (AWOL) for the shift;
- (2) Mandatory referral to EAP for assessment;
- (3) Appropriate disciplinary action may be taken.

f. The supervisor should immediately contact an Employee Relations Specialist in their servicing CPAC for advice and assistance when dealing with an employee who is suspected to be under the influence or intoxicated at work. The following is a list of steps a supervisor must take when dealing with an employee suspected of alcohol use while on duty:

(1) The supervisor or person acting on his/her behalf will make an assessment in person. The supervisor may take action based on an assessment of the employee's condition. Supervisors will document their reasons for finding that an employee is impaired (blood alcohol and breath testing is not required, except under DOT and USCG regulations).

(2) If the employee is willing, they may be referred to the health unit or local provider for assessment. Certified health unit personnel may be able to conduct a voluntary alcohol test, most likely with an Evidentiary Breath Testing device (EBT), commonly referred to as a breathalyzer. The breathalyzer may only be administered by a qualified breath alcohol technician, medical professional, or substance abuse professional.

(3) If an employee is performing, or is required to perform, safety-sensitive duties (such as, driving vehicles, using heavy equipment, working around explosives or weaponry, or, lock and dam operations, operating any surface vessel, whether powered or not, including dredging equipment, in which the duties include operating, navigating, steering, directing, or sailing the vessel, operating the engines of a vessel while underway, or operating the spud(s) [anchor(s)] on a dredge), the employee must be restricted from performing these duties.

(4) Due to potential safety and liability concerns, it is important to consult with the servicing CPAC or legal office. The supervisor must remove the employee from the immediate worksite. This may involve assisting the employee to their place of residence, a medical facility, or some other safe location. The employee must not be sent home alone or be allowed to drive. It would be appropriate to contact a family member or friend to take the employee home. Public transportation is also an option. An employee who is physically resisting will be dealt with by agency security or local police.

(a) Any employee who occupies a position listed in Appendix E category 1, whom is aboard a vessel and is suspected of being under the influence; will be allowed to return to quarters or sickbay, unless the employee is so impaired that boarding the vessel would affect the safety or well-being of that employee or other personnel aboard the vessel.

(b) The individual identified above in sec 2-2 f.(4)(a) will immediately be removed from all duties involving the safe navigation and operation of the vessel and any other activities that may affect the safety of personnel aboard. The impaired employee's time will be recorded as AWOL for the entire shift.

(c) In the event that the team lead is suspected of being under the influence of alcohol, such as a vessel captain, the next senior crewmember will immediately notify the captain's supervisor of the events that have occurred. That senior crewmember will relieve the captain of duty and assume navigation authority.

(5) Supervisors must immediately and accurately document what transpired. Supervisors must also record all the events that led to the employee's removal from duty and if disciplinary action was recommended. It is important to work with the respective CPAC Employee Relations Specialist, keeping them fully informed. The quality of the information they receive from the supervisor impacts the level of advice and services they can provide.

2-3. Employees Subject to DOT and USCG Alcohol Testing. Employees who occupy positions identified as TDPs by DOT and USCG have specific alcohol testing requirements outlined in references (o) and (p). Further guidance regarding alcohol testing can be found in chapters 4 and 5 of this regulation.

Chapter 3
Army Drug-free Workplace Program

3-1. Applicability. The Army Drug-Free Workplace Program applies to all Civilian employees and tentatively selected applicants for TDPs as described in paragraphs 1-8. a. and b. above, except for the category of positions requiring a commercial driver's license covered by DOT requirements (See Chapter 4 of this regulation) and those categories of floating plant crewmember positions covered by USCG requirements (See Chapter 5 of this regulation). Executive Order 12564 (Reference c) mandates disciplinary action will be initiated for illegal drug use by any employee regardless of TDP status.

a. However, employees who voluntarily identify themselves to their supervisor or other appropriate management officials as users of illegal drugs prior to being identified by other means and seek counseling and/or rehabilitation assistance will not be subject to disciplinary action for their prior drug use. This is referred to as "safe harbor." It is important to note that once an employee is officially informed of an impending drug test, the employee is no longer eligible for safe harbor.

3-2. Testing Categories and Procedures. AR 600-85 (Reference f) established six categories of drug testing which fully conform to Executive Order 12564 (Reference c):

- a. Reasonable suspicion
- b. Accident/unsafe practice
- c. Voluntary participation
- d. Follow-up
- e. Applicant
- f. Random

3-3. Reasonable Suspicion Testing Procedures.

a. All employees must be physically, medically, and emotionally (ready, willing, and able) qualified for performing the duties to which they are assigned. Any employee under a physician's treatment and taking prescribed narcotics or any other medication that may prevent them from being ready, willing, and able to perform their duties must provide a medical clearance statement to their supervisor prior to the start of work.

b. All employees, regardless of whether or not they occupy a TDP, are subject to testing when there is a "reasonable suspicion" of on-duty use of illegal drugs or on-duty impairment of

one's ability to perform assigned duties because of suspected illegal drug use.

c. All employees who occupy a TDP are subject to testing when there is a "reasonable suspicion" of on or off duty use of illegal drugs or on-duty impairment of one's ability to perform assigned duties because of suspected illegal drug use.

d. The supervisor will initiate testing when there is "reasonable suspicion" of illegal drug use. Reasonable suspicion is defined as a belief that can be clearly articulated that an employee uses illegal drugs drawn from specific and particularized facts and reasonable inferences from those facts. Mere hunches or rumors are not sufficient enough to initiate testing.

e. Reasonable suspicion may be based upon:

(1) Direct observation of drug use or possession and/or physical symptoms of being under the influence of an illegal drug.

(2) A documented pattern of abnormal conduct or erratic behavior.

(3) Arrest for, or conviction of, a drug-related offense.

(4) Observation of the use, the possession, or the physical symptoms of illegal drugs that is corroborated by a reliable and credible source

(5) Newly discovered evidence that the employee has tampered with a previous drug test.

f. When a supervisor suspects an employee is using illegal drugs, the supervisor will gather information, facts, and document circumstances leading to and supporting this suspicion and consult with the next higher-level supervisor, the Labor Counselor, and the servicing CPAC Specialist. The supervisor will prepare and maintain a written report to include, at a minimum, the dates and times of reported drug-related incidents; reliable/credible sources of information including statements from sources; rationale leading to the test; findings of the test; and the action taken.

g. The supervisor will promptly notify the District/FOA DTC and provide the information necessary for the DTC to arrange for the reasonable suspicion drug test. The DTC and the supervisor will ensure that the test is conducted on the same day it was approved or as soon as possible if same day testing is not feasible.

h. After consulting with advisors mentioned in paragraphs (f) and (g) above, the supervisor will verbally direct the employee to report immediately for a drug test at the designated specimen collection location. The supervisor will also explain to the employee the reason for the drug test. The supervisor will prepare a Memorandum for Record (see Appendix H) documenting the fact that the employee has been instructed to report immediately for a drug test at the designated location and the reason for the drug test. If there is reason to believe that

the employee may alter the specimen, the Memorandum for Record will also document the basis for requiring the employee to provide a specimen collection under direct observation. Additional guidance regarding observed collections is provided in paragraph 3-8, i.(2).

i. The supervisor will promptly notify the CPAC if an employee fails to report for testing, refuses to provide a specimen, or receives a verified positive test result. The procedures in paragraphs 3-8, g. and i. of this regulation apply when an employee fails to report for testing or refuses to provide a specimen.

3-4. Accident or Unsafe Practice Testing Procedures.

a. Employees, regardless of whether they occupy a TDP, may be subject to testing when an accident investigation is authorized by a USACE Commander regarding an accident or unsafe practice in which they are involved. Accordingly, employees may be subject to testing when, based on circumstances of the accident, their actions are reasonably suspected of having caused or contributed to an accident that results in a death or personal injury requiring immediate hospitalization or results in damage to government property estimated in excess of \$20,000. Note that this post-accident investigation must be in compliance with any investigation/reporting requirements of the USACE Safety Program.

b. The supervisor will gather information, facts, and circumstances leading to and supporting this suspicion and consult with the next higher-level supervisor, the local Safety Manager, Labor Counselor, and CPAC Specialist to review the evidence.

c. The supervisor will notify the District/FOA DTC promptly and provide the information necessary for the DTC to arrange for the drug test. The DTC and the supervisor will ensure the drug test is conducted as soon as possible if same day testing is not feasible.

d. The supervisor will prepare a notification-to-test memorandum (Appendix H) when testing is approved by the next higher-level supervisor. Additionally, the supervisor will prepare and maintain a written report that will include the date, time, and description of the reported accident/mishap(s), rationale leading to the decision to test, findings of the test, and the action taken.

3-5. Voluntary Testing Procedures.

a. Employees who choose to demonstrate their commitment to the Army's goal of a drug-free workplace and/or who want to set an example for other employees may volunteer to be included in unannounced random drug testing

b. The supervisor will ask the employee who volunteers to submit a written request to be included in the random drug-testing program. The supervisor will advise the next higher supervisor, the CPAC Specialist, and the District/FOA DTC. The supervisor will arrange a meeting with the employee to review the program's conditions and the employee's obligations,

and to obtain a signed voluntary consent to drug testing (Appendix A).

c. As soon as the required administrative procedures are complete, the supervisor will notify the District/FOA DTC and provide the information necessary to include the volunteer employee in a random test pool, which is separate from the testing pool for TDPs.

d. The employee may withdraw from participation by submitting a written request to the supervisor, who will promptly notify the District/FOA DTC of the employee's withdrawal. The employee may not withdraw once notified to report for testing.

3-6. Follow-up Testing Procedures.

a. All employees who have successfully completed rehabilitation and have provided a negative test result to return to work are subject to unannounced follow-up testing for a period of 12 months. Follow-up testing is not to be confused with regular random testing or rehabilitation testing which may be part of the employee's treatment plan.

b. Supervisors of employees who are enrolled in a treatment program for illegal drug use, or who have successfully completed drug rehabilitation will consult with the CPAC Specialist and the EAP provider to determine the frequency and duration of unannounced follow-up drug testing.

c. The supervisor will meet with the employee to issue a written notice of the requirement for follow-up testing (Appendix B).

d. The supervisor will promptly notify the District/FOA DTC and provide the information necessary to arrange for the follow-up testing.

e. The DTC will arrange for unannounced follow-up tests at random intervals during the 12-month period.

f. Only verified positive test results obtained from a follow-up test may be used to support a disciplinary or adverse action.

3-7. Applicant Testing Procedures.

a. Managers will annotate Requests for Personnel Action to indicate that the position to be filled is a TDP, and therefore, subject to applicant and random testing procedures.

b. The CPAC Human Resource Specialist, in coordination with the hiring manager, will ensure that the vacancy announcement(s) include a notice that the position is a TDP and that participation in the applicant (pre-appointment) and random drug testing program is a condition of employment.

c. Applicants tentatively selected for appointment to TDPs are required to participate in applicant drug testing, which is designed to screen out applicants who use illegal drugs. Mandatory drug testing of employees moving by transfer or reassignment from one TDP to another with no break in service within the DoD are not required unless deemed appropriate. However, participation in the random testing program continues to be a requirement.

d. The CPAC Specialist will promptly notify the DTC and provide necessary information for the DTC to arrange for the test.

e. Once the test is arranged, the CPAC Specialist will notify the tentatively selected applicant of the following information:

(1) The requirement to sign a “Condition of Employment for Certain Civilian Positions Identified Critical Under the Department of the Army Drug-Free Federal Workplace Program” (Appendix C), acknowledging the Department of the Army’s right to require individuals tentatively selected for a TDP to participate in the applicant and random drug urinalysis testing program. The CPAC Specialist will provide this form to the tentatively selected applicant, along with other pre-appointment forms.

(2) All pertinent information for the drug test (i.e., the date, time, and location), and the requirement that the test be completed, and results received before the applicant can be appointed to the position.

f. Any applicant who refuses to be tested must be refused employment. Any applicant with a verified positive test result must be refused employment. Applications from such individuals will not be considered for future employment for a period of not more than 3 years from the date of the unfavorable suitability determination based on illegal use of narcotics, drugs, or other controlled substances without evidence of substantial rehabilitation.

3-8. Random Testing Procedures.

a. Random drug testing is a system of drug testing imposed without suspicion that an individual is using illegal drugs. Employees in TDPs are subject to random drug testing no sooner than 30 days after signing the DA Form 5019, “Condition of Employment for Certain Civilian Positions Identified Critical Under the Department of the Army Drug-Free Federal Workplace Program.” A statistically random sampling of employees from each testing pool will be selected consistent with USACE’s Random TDP Selection Procedures (Appendix G).

b. Testing Pool Composition. Division-level (or equivalent) testing pools will be constituted with TDPs from all subordinate districts (or other participating organizations). Table 1 summarizes the configuration of USACE testing pools and indicates where the DTCs are assigned.

c. Position and Employee Identification.

(1) Supervisors will ensure all positions that meet the DFW TDP established criteria in Appendix D and the additional USACE-specific categories in Appendix E are properly identified as TDPs in the position description. Supervisors must ensure that the position descriptions for TDPs are clearly documented to show the critical safety or security responsibilities that meet the appropriate TDP category's criteria, even if the reassignment is temporary. Only duties and responsibilities that are required of the position may serve as the basis for a TDP designation. Incidental criteria that a job incumbent may meet (e.g., the incumbent has Top Secret clearance from a previous position, but the current position does not require it) should not be used as a basis for declaring the employee subject to random testing.

(2) The servicing CPAC Specialist will ensure that TDPs are identified as such in the DCPDS database.

(3) Supervisors, in close coordination with the CPAC, will ensure that TDP incumbents are issued the "Condition of Employment for Certain Civilian Positions Identified Critical Under the Department of the Army Drug-Free Federal Workplace Program" found in Appendix C, and that the originally signed notices are forwarded to the servicing CPAC. Supervisors will also ensure that TDP incumbents are trained on the DFW Drug Testing Program and will retain records of that training.

d. Random Selection Process.

(1) The Division/MSC DTCs will use the Division/MSC TDP Roster, which has been provided by CPAC and obtained from DCPDS to document the random testing pool composition at the time of each random selection. The TDP roster will contain at a minimum the following data fields: Employee Name, Position Title, Pay Plan, Series, Grade, Organization Code, Duty Station, and Drug Test Requirement Code. This group of employees constitutes the respective Division/MSC-level drug testing pool. Note: A separate database and testing pool listing will be created for employees who volunteer for random testing but are not in TDPs. This list will include all volunteers for the respective Division/MSC.

(2) The Division/MSC DTC will use the Random TDP Selection Procedures in Appendix G to generate random selections.

(3) Division/MSC DTCs will provide names of employees selected for random testing to the District/FOA DTCs. The District/FOA DTC will verify that an original signed DA Form 5019, "Condition of Employment for Certain Civilian Positions Identified Critical Under the Department of the Army Drug-Free Federal Workplace Program", is on file for each employee selected.

(4) District/FOA DTCs will schedule drug test specimen collection appointments for each employee on the list using procedures described in Appendix F.

e. Notification of Selected Employees.

(1) The District/FOA DTC will notify the first-line supervisors of those employees selected for random drug testing within two hours of the scheduled testing time. If the District/FOA DTC happens to occupy a TDP and is on the random testing list, the Division/MSD DTC will notify that DTC's supervisor. If the first-level supervisor is unavailable, the next-higher-level supervisor will be contacted. Using an appropriate official record, the District/FOA DTC will record the names of employees selected, names of supervisor(s), time notified, and the time scheduled for specimen collection.

(2) The supervisor will verbally explain in private to an employee that they have been chosen randomly for a drug test and must report promptly to the testing facility point with photographic identification. No other method of notification is authorized. Supervisors will record in an appropriate official record the names of individuals advised to report for drug testing, the scheduled time for the test, and the time employees were advised to report for testing.

(3) Supervisors of employees whose work schedule or duty assignments require a deferral of testing will advise the District/FOA DTC that these employees are not readily available for testing. The supervisor and the District/FOA DTC will develop a plan to ensure that such employees are tested. These employees will not be advised of their selection for testing until an appropriate date and time has been arranged, and it will be within 2 hours of the scheduled test time.

f. Deferral of Testing.

(1) Supervisors will notify the District/FOA DTC when it is necessary to defer a drug test for an employee who has been randomly selected.

(2) A deferral of an employee's random test may be authorized when the employee's first line and next-level supervisors concur that a compelling need necessitates a deferral because the employee is:

(a) Absent from duty because of annual leave, sick leave, suspension, absent without leave, or continuation of pay.

(b) On official travel away from the work site for more than a day or is about to embark on official travel that was scheduled before testing notification.

(3) An unannounced (make-up) test will be rescheduled for the employee within the next 60 days.

(4) The EAP provider may request that an employee be exempted from random drug testing for a period not to exceed 60 calendar days while undergoing rehabilitative treatment. The EAP

provider will consult with the supervisor and the servicing CPAC Specialist and submit a written request to the supervisor that the employee be exempted from random testing during a specific period of time. The supervisor has the final authority to grant or not grant the deferral request, and if approved, will advise the District/FOA DTC when and for how long an employee is to be exempted from the random testing program. The EAP provider will discuss with the employee the importance of signing the Civilian Employee Consent Statement (DA Form 5017), which addresses the release of information regarding the employee's enrollment, attendance, and progress in a treatment or counseling program. This information will only be released to the employee's supervisor.

g. Failure to Appear for Random Test or Refusal to Provide a Sample.

(1) When the specimen collector notifies the District/FOA DTC that an employee failed to report to the designated collection site for a scheduled appointment or refused to provide a sample after reporting for the appointment, the DTC will prepare and sign a Memorandum for Record, documenting the collector's notification, including specific information concerning the employee's failure to appear or refusal to provide a sample.

(2) The District/FOA DTC will inform the employee's first-line supervisor, who will notify the next higher-level supervisor. These supervisors will consult with the DTC, Labor Counselor, and CPAC Specialist to determine appropriate actions. The supervisor will document the decisions on follow-up actions and will furnish a copy of the documentation to the District/FOA DTC.

(3) Failure to report for a scheduled test within the time period specified without acceptable reasons, refusal to be tested, or refusal to provide a sample will be considered the same as a verified positive test result and may serve as the basis of the same types of disciplinary action as a verified positive test result.

h. Frequency and Timing of Random Tests.

(1) Effective deterrence requires a random selection process that ensures that all employees subject to random testing understand that they may be required to provide a test specimen on any day they report to work.

(2) The Division/MSD DTC will ensure that the frequency and number of random drug tests conforms to DoD guidance requiring random tests to take place at a rate of 50 percent of TDPs per fiscal year. This testing will result in half of the TDPs being tested during the course of the fiscal year.

(3) The Division/MSD DTC will ensure that the random selections are evenly distributed throughout the year. Random testing will be conducted at least quarterly (i.e., a minimum of four random selections per year). Testing will be scheduled to occur on different days of the week.

i. Specimen Collection. The collector's protocol will meet all the collection requirements prescribed by the HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs. Guidance designed to assist the collector can be found in Reference M. General guidance includes:

(1) Unobserved Collection. The employee being tested will generally be permitted to provide a urine specimen privately in a restroom or similar enclosure so that the employee is not visually observed while providing a sample. Collection site personnel of the same gender will escort the individual into the restroom and remain outside the stall during collection.

(2) Observed Collection.

(a) When the collector observes behavior clearly indicating an attempt to tamper with the specimen or when the specimen temperature is outside the specified normal range, the collector will follow the collector's protocol referenced above to determine if an observed collection is required. The collector must obtain the employee's direct supervisor's permission when the situation dictates an observed collection. The DTC will also be notified that a situation exists warranting a direct observed collection and explain to the donor why a direct observed collection is being conducted. Tampered specimens include those that meet the definition of adulterated, negative dilute, and canceled.

(b) The collector will conduct the observed collection if protocol dictates it, and fully document the circumstances leading to that action. A collector of the same gender as the employee will perform directly observed collections. If no collection site person of the same gender is available, the provider will attempt to provide a trained observer of the same gender.

(c) If the employee refuses the observed collection, the collector will document the situation by annotating the chain of custody form and providing it to the District/FOA DTC, who will notify the supervisor. As described above, the test will then be designated as a refusal and will be considered a verified positive test result that may serve as the basis of the same types of disciplinary action as a specimen-based verified positive test result.

3-9. Specimen Analysis.

a. Fort Meade Forensic Toxicology Drug Testing Laboratory performs analysis of all Civilian drug tests for USACE. The Ft. Meade Laboratory is fully accredited and certified and meets all legal and regulatory requirements.

b. Instructions on specimen kit acquisition, specimen collection, specimen analysis, and MRO services can be found in Appendix F.

3-10. Medical Review of Test Results.

a. The medical review serves as a critical safeguard in the drug-testing program. It ensures that positive drug tests resulting from legitimate medications and foods are not misinterpreted as illegal drug use. MRO services will be obtained under USACE's collection and testing contracts.

b. All laboratory results (positives and negatives) are forwarded to the MRO.

c. The MRO is responsible for reviewing, evaluating, and interpreting positive test results. The MRO will contact (face-to-face contact not required) the applicant or employee with the positive test result and give the individual the opportunity to provide documentation of (e.g., with medical records, valid prescriptions, or other pertinent data) authorized use of the identified drugs and to discuss the test results.

d. If the MRO determines there is a legitimate medical explanation for the positive test result, the MRO will make a determination if the result is consistent with legal drug use and take no further action. Management will not be notified upon verification of the positive test result when it is consistent with authorized use. Negative reports will not be reported.

e. The MRO will take steps necessary to ensure the confidentiality of medically sensitive information obtained during the review process. The MRO is the custodian of such information and is both legally and professionally responsible for its security. The Privacy Act requirements for safeguarding these records fully apply.

3-11. Medical Review Officer Verified Positive Test Result.

a. When the MRO determines there is no medical justification for the positive result from a specimen or evidence of adulteration or tampering with a specimen that interfered or prevented an accurate test result, such result will be considered a verified positive test result.

b. After verifying a positive test result, the MRO will notify the appropriate DTC. The MRO will provide relevant documentation, including a positive drug test result from verifying that the positive result, along with a summary of findings, to the appropriate DTC, who will forward it to the employee's supervisor.

c. The DTC will advise the employee's first-line supervisor of the verified positive result and recommend that the supervisor immediately contact the CPAC Specialist for advice on EAP referral and/or the initiation of disciplinary or adverse action, as deemed appropriate.

3-12. Validity of Positive Test Result Questions.

a. If questions arise as to the accuracy or validity of a positive test result, only the MRO is authorized to order a re-analysis of the original sample. Such a retest is authorized only at an HHS-certified laboratory.

b. The MRO may also request, in writing, the quantitative levels of the drug test from the Ft. Meade drug-testing laboratory.

3-13. Personnel Actions Based on Positive Results.

a. Referral to EAP, removal from the TDP, and disciplinary adverse actions: When an employee is found to use illegal drugs or receives a verified positive test result, the supervisor must consult with the servicing CPAC Specialist for advice about appropriate personnel actions to include:

(1) Mandatory referral of the employee to EAP.

(2) The employee will be removed from the TDP through immediate reassignment, detail, or other personnel action.

(3) Initiation of disciplinary or adverse action.

b. If the employee holds a security clearance, information about the verified positive test result will be forwarded to the appropriate Security Officer for investigation and possible suspension of the employee's clearance.

c. Refusal to appear for a test, failure to produce a specimen, adulterating or substituting a specimen will be considered the equivalent of a verified positive test result and may be subject to the full range of disciplinary or administrative actions as appropriate.

3-14. Recordkeeping.

a. Forms, records, and/or other documents required by AR 600-85 to ensure proper and accurate operation of the drug testing program under EO 12564 will be maintained consistent with the Department of Army Privacy Act System of Records and with all applicable Federal laws, rules, and regulations regarding confidentiality of records, including the Privacy Act (5 U.S.C. §552a).

b. Documents that must be maintained and safeguarded are:

(1) Signed DA Form 5019s, "Condition of Employment for Certain Civilian Positions Identified Critical Under the Department of the Army Drug-Free Federal Workplace Program", will be maintained by the CPAC and are filed in the employees' official personnel folders.

(2) Random testing lists will be maintained by the Division/MSC DTC.

(3) Notices of verified positive results provided by the MRO will be maintained by the District/FOA DTC (one year for negative results and three years for positive results).

(4) Written materials justifying reasonable suspicion testing will be maintained by the supervisor.

(5) Evidence that an individual may have altered, tampered with, or substituted a specimen will be maintained by the District/FOA DTC.

(6) Evidence of corrective or disciplinary actions taken as a result of a verified positive test will be maintained by the supervisor and the CPAC.

Chapter 4
Department of Transportation (DOT) Drug Testing Program

4-1. Applicability.

a. DOT regulations require separate alcohol and drug testing requirements for employees who drive commercial motor vehicles (CMV) in commerce in any state.

b. USACE employees occupying positions that require, as a condition of employment, the incumbent to possess a valid commercial driver's license (CDL) must be tested under the procedures set forth in 49 CFR 382 (Reference p).

4-2. Safety Sensitive Functions. The following functions performed by drivers while on duty are considered to be safety-sensitive:

a. Operating a CMV or waiting to be dispatched.

b. Remaining in readiness to operate a CMV.

c. Ensuring the following parts and accessories are in good working order:

(1) Service brakes, including trailer brake connections.

(2) Parking (hand) brake and steering mechanisms.

(3) Lighting devices and reflectors.

(4) Tires, horns, and windshield wipers.

(5) Rear-view mirrors and coupling devices.

d. Ensuring the following are in place and ready for use as appropriate:

(1) Fire extinguisher, fuses, and spare fuses.

(2) Warning devices for stopped vehicles.

(3) Emergency reflective triangles.

(4) Red emergency reflectors and red flags.

e. Inspecting, servicing, or conditioning a CMV.

f. Loading or unloading, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, or giving or receiving receipts for shipments loaded or unloaded.

g. Repairing, obtaining assistance, or remaining in attendance with a CMV.

h. Being on or upon a CMV, except time spent in a sleeper berth.

i. After being involved in an accident resulting in injury or death of a person or any amount of property damage, including rendering reasonable assistance to injured persons; providing name, address, and other pertinent information to any person demanding the same; and reporting the accident.

j. After hitting an unattended vehicle standing upon a highway, taking reasonable efforts to locate the custodian of the vehicle, and placing name, address, and bureau identification on the standing vehicle.

4-3. Prohibited Conduct and Consequences.

a. Performance of safety-sensitive functions identified above in paragraph 4-2 of this regulation is prohibited when the driver:

(1) Used alcohol while on duty.

(2) Has an alcohol concentration of 0.04 percent or greater as indicated by an alcohol breath test.

(a) Additionally, drivers who have an alcohol concentration of 0.02 percent or greater but less than 0.04 percent on a confirmation test are considered not fit for duty and cannot return to duty until 24 hours after the confirmation test (a return-to-duty test is not required).

(b) If a driver's behavior or appearance suggests alcohol misuse and a breath test cannot be conducted, the driver must be removed immediately from performing safety-sensitive duties for at least 24 hours (a return-to-duty test is not required).

(3) Possesses alcohol, unless the alcohol is manifested and transported as part of a shipment.

(4) Used alcohol within 4 hours of performing safety-sensitive duties.

(5) Refuses to submit to an alcohol or other drug test. Applicants who refuse will not be offered employment.

(6) Used alcohol within 8 hours after an accident or until tested.

(7) Used a controlled substance, except when the use is prescribed by a physician who has advised the driver that their ability to safely operate a vehicle will not be adversely affected.

(8) Tested positive for a controlled substance, except when the use is prescribed by a physician who has advised the driver that their ability to safely operate a vehicle will not be adversely affected.

b. Drivers who engage in prohibited conduct must be removed immediately from safety-sensitive duties and cannot return to safety-sensitive duties until they have been evaluated by a substance abuse professional and have complied with any treatment recommendations to assist them with an alcohol or other drug problem. Additionally, no supervisor or manager having actual knowledge that a violation has occurred will permit the driver to perform safety-sensitive functions.

4-4. Drug and Alcohol Testing Categories. DOT has implemented six categories of alcohol and other drug testing in order to deter the misuse of alcohol or the use of other controlled substances by drivers. The DOT categories of alcohol and other drug testing are:

a. Reasonable suspicion alcohol and drug testing. A supervisor who has been trained according to DoT rules initiates testing when reasonable suspicion exists that a driver has violated a DoT prohibition (for example, used a controlled substance or misused alcohol); mere hunches or rumors are not sufficient to initiate this type of testing. A supervisor must base reasonable suspicion on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odor of the driver in question. The observations may include indications of the chronic use or withdrawal effects of controlled substances. A properly trained supervisor must determine that reasonable suspicion exists before testing. A trained supervisor is one who has received at least 60 minutes of training on alcohol misuse and has received at least an additional 60 minutes of training on controlled substance use that covered the physical, behavioral, speech, and performance indicators of probable alcohol misuse and controlled substance use.

(1) An alcohol test is only authorized if a supervisor makes the observations required above during, just preceding, or just after the period of the workday in which a driver must perform safety-sensitive duties. The supervisor documents the determination and consults with the next higher-level supervisor and the servicing CPAC before initiating the test. The supervisor notifies the DTC immediately and arranges for the test, which is conducted promptly. If a test is not administered within 2 hours of the time that the supervisor decided to conduct the test, the supervisor documents the reason for the delay. If the test is not administered within the 8 hours following the determination to test, the supervisor ceases all attempts to test and states the reasons for not administering the test. Notwithstanding the absence of a reasonable suspicion alcohol test under this section, no driver will report for or remain on duty performing safety-sensitive functions while under the influence of or impaired by alcohol, as shown by the behavioral, verbal, and performance indicators of alcohol misuse, nor does a supervisor permit the driver to perform safety-sensitive functions until one of the following two conditions are met:

(a) An alcohol test is administered and the employee's alcohol concentration measures less than 0.02 percent.

(b) A period of 24 hours has elapsed following the determination that there is reasonable suspicion to believe that the driver has violated the conduct prohibitions concerning the use of alcohol. Note. With the exception above, no supervisor will take any action against a driver based solely on the driver's behavior and appearance with respect to alcohol use in the absence

of an appropriate test.

(2) The supervisor initiates drug testing when there is reasonable suspicion that an employee uses illegal drugs. Hunches or rumors are not enough reason to conduct a reasonable suspicion drug test. When the supervisor suspects that a driver is using a controlled substance, the supervisor will-

(a) Gather all information, facts, and circumstances that led to and supported the suspicion and meets with the higher-level supervisor, and the servicing CPAC to review the evidence. The supervisor records the observations that led to the controlled substance reasonable suspicion test. The supervisor has the supervisor or management official who observed the employee sign the record within the 24-hour period following the observed behavior or before the result of the controlled substance test is released, whichever is earlier. The supervisor prepares the notification to test. The higher-level supervisor approves the notification after coordination with CPAC.

(b) Notify the DTC and provide the information necessary to arrange for the reasonable suspicion drug test, which will be conducted on the same day that the test was approved or as soon as possible if same day testing is not possible.

(c) Promptly notify the CPAC when the driver is to be tested for reasonable suspicion and if the driver is found to have used illegal drugs.

b. Accident or unsafe practice post-accident testing. A drug and or alcohol test should be conducted as soon as possible following an accident involving a CMV. Upon the occurrence of a CMV accident—

(1) USACE will test the driver who was performing the safety-sensitive functions with respect to the vehicle for alcohol and controlled substances. If the accident involved the loss of human life or the driver received a citation under state or local law for a moving traffic violation arising from the accident and the test is not administered within the 2-hour period immediately following the accident, the supervisor records the reason the test was not administered promptly. If the test is not administered within 8 hours following the accident, the supervisor will cease attempts to administer an alcohol test and will prepare and maintain the same record.

(2) A drug test should be administered as quickly as possible. If the test is not administered within the 32-hour period immediately following the accident, the supervisor will cease attempts to administer a drug test and record the reason the test was not administered promptly.

(3) The driver who is subject to accident testing will remain readily available for such testing, or the driver may be deemed to have refused to submit to testing.

(4) The guidance in this section contains nothing that will be construed to require the delay of necessary medical attention for injured people or for the driver from leaving the scene of an accident for the period necessary to obtain assistance or medical treatment.

(5) The supervisor will provide the driver with necessary post-accident information, procedures, and instructions so the driver can comply with the given requirements.

(6) The results of a breath, urine, or blood test conducted by Federal, state, or local officials having independent authority for the test will be considered to meet the requirements of this section, provided such a test conforms to applicable requirements and the employer obtains the test result.

c. Return-to-duty alcohol and drug testing. Guidance for return-to-duty alcohol and drug testing is as follows:

(1) Alcohol test. Before the driver can resume performing safety-sensitive duties after having engaged in conduct prohibited by the applicable law and regulation, the driver must undergo a return-to-duty alcohol test and show an alcohol concentration of less than 0.02 percent.

(2) Drug test. Before the driver can resume performing safety-sensitive duties after having engaged in conduct prohibited by the controlled substance rules, the driver must undergo a return-to-duty drug test showing a verified negative test result.

d. Follow-up testing. After enrolling in a substance-abuse treatment program or successfully completing a substance-abuse rehabilitation program and returning to duty, a driver is subject to unannounced follow-up testing for at least 12 but not more than 60 months. The supervisor, in consultation with the EAP coordinator, the DTC, and the CPAC, ensures six follow-up tests are completed within the first 12 months. When conducting follow-up testing—

(1) The follow-up test is separate from and in addition to the regular random testing program. A driver subject to follow-up testing remains in the random testing pool. In addition, the driver is tested whenever chosen for random testing.

(2) The supervisor meets with the driver and obtains written acknowledgment that the driver is aware of the requirement for follow-up testing.

(3) The supervisor notifies the DTC and provides all information necessary to arrange for the follow-up testing, which will test for all drugs approved for testing by HHS.

e. Applicant testing. A DA applicant tentatively selected for appointment to a civilian driver position that is subject to the DoT rules described in 49 CFR 382 is required to participate in applicant drug urinalysis testing. This testing is designed to remove applicants who use illegal drugs from consideration.

(1) An applicant who currently occupies a driver position that is subject to the DoT rules within the DoD does not require applicant testing.

(2) A tentatively selected applicant is required to sign DA Form 7412 (Condition of Employment for Certain Civilian Positions Identified Safety-Sensitive under the Department of Transportation, Federal Highway Administration Rules on Drug and Alcohol Testing)

acknowledging the DA's right to require selectees to participate in random drug urinalysis testing.

(3) An applicant who is not a current DA Civilian and who refuses to be tested must be refused employment. An applicant with a verified positive test result will be refused employment. An application from such an individual will not be considered for employment for a period of 3 years from the date of the test result.

f. Random testing. Random testing is a scientifically valid system of testing imposed without individualized suspicion that a particular individual is using illegal drugs or misusing alcohol. Every driver will have an equal chance of being tested each time a selection is made.

(1) Frequency of random testing. Random alcohol testing will be conducted at a minimum rate of 10 percent of TDPs per year. Random drug testing will be conducted at a minimum rate of 50 percent of TDPs per year. These rates are adjustable and may be updated annually. A driver selected for testing may undergo both alcohol and drug testing. In some cases, because the testing rates differ, the driver may undergo drug testing only. Employees will report to the testing facility within 2 hours of notification. An individual who is off-site must report to the collection site no more than 6 hours after notification.

(2) Identification of TDPs

(a) Fiscal Year Submission. In order to constitute the DOT testing pools properly, the District/FOA DTCs, with the assistance and involvement of local managers, supervisors, and servicing CPAC Specialists, coordinate the identification of all positions in their organizations that require the incumbent to possess a CDL as a condition of employment. The District/FOA DTCs will document the list of employees and positions. The DOT driver roster may be in any format but will contain, at a minimum, the position title and number of the incumbent; the name, Social Security number, and work telephone number of the incumbent; the name, work telephone of the first-line supervisor; and the date that the supervisor was trained regarding the DoT Testing Program. The DOT driver roster will be submitted electronically no later than 1 October each year to the Division/District DTC, as appropriate. In the event that a given organization does not have any identifiable positions, a written certification to that effect will be submitted to the Division/MSD DTC.

(b) Mid-Fiscal Year Review. All District/FOA DTCs should coordinate a review of the CDL positions and the list of incumbents in their organizations at the mid-point in the fiscal year and submit an updated list to the Division/MSD DTC no later than 31 March each year.

(c) Pool List. No later than 15 October each year, the Division/MSD DTC will compile a Microsoft Excel spreadsheet containing a listing of all employees occupying CDL TDP positions in their respective area of responsibility. Updates may be made based on mid-year submissions or as necessary.

(d) This list will be combined with the USCG TDP list to constitute the DOT Testing Pool from which random selections will be conducted during that year. If an employee holds a

position that meets the description requirements of both a DOT and DFWP TDP, it is not necessary for the employee to be included in both pools. The employee will only be included in the DOT testing pool.

(3) Supervisors will manage the issuance of the 30-day individual notice to the incumbent of a DoT safety-sensitive position and the requirement for DA Form 7412 (“Condition of Employment for Certain Civilian Positions Identified Safety-Sensitive Under the Department of Transportation, Federal Highway Administration Rules on Drug and Alcohol Testing”). A copy of the signed DA Form 7412 will be provided to CPAC and the District/FOA DTC.

(4) Notification of employees selected for random drug and alcohol testing. The notification procedures outlined in Chapter 3-8.e. of this regulation will apply to DOT TDP employees who are selected for random alcohol and drug testing.

(5) Deferral of Testing. The procedures for deferral of testing outlined in Chapter 3-8.f. of this regulation will apply to DOT TDP employees who are not available to test when selected for random alcohol and drug testing.

(6) Failure to Appear. The failure to appear procedures outlined in Chapter 3-8.g of this regulation will apply to DOT TDP employees who fail to appear for scheduled alcohol and drug testing.

4-5. Specimen Collection.

a. Drug Test Specimen Collection. The procedures for drug test specimen collections outlined in Chapter 3-8 of this regulation will apply to DOT TDP drug test specimen collections.

b. Breath alcohol test.

(1) The Breath Alcohol Technician (BAT) and Screening Test Technician (STT) are trained to proficiency in operating the breath-testing device. In addition, the BAT/STT technician is able to provide documentation that he or she has met the collection requirements prescribed by the DoT alcohol and other testing rules and procedures identified in 49 CFR 40.

(2) The BAT–STT technician follows all alcohol testing procedures provided in 49 CFR 40 and uses only the DoT-prescribed breath alcohol testing form.

(3) The BAT–STT immediately notifies the supervisor of all breath test results, of any refusal by a driver to participate in testing or to sign the necessary forms, or whenever a subject is unable to provide an adequate amount of breath. The BAT–STT fully documents and maintains the documentation of all notifications.

(4) The BAT–STT immediately contacts a driver’s supervisor if a driver’s result requires their removal from duty performing safety-sensitive functions. The purpose of this notification is to confirm the test result, to advise of the requirement to remove the employee from performing safety-sensitive functions, and to request that the supervisor arranges for transportation of the

driver back to the worksite because the driver will not be allowed to operate a vehicle. In addition, the BAT–STT advises the supervisor to notify the CPAC and to obtain additional guidance concerning the employee’s removal from duty, performing safety-sensitive functions. The BAT–STT documents the discussion with the supervisor and provides a copy of the record and the employer’s copy of OMB Form 2105–0529 (U.S. Department of Transportation Drug and Alcohol Testing MIS Data Collection Form) to the driver’s supervisor and the District/FOA DTC. A driver—

(a) Must be removed for 24 hours if the driver’s breath alcohol test is at least 0.02 percent but is less than 0.04 percent.

(b) Cannot perform safety-sensitive functions until he or she is evaluated by a Substance Abuse Professional if their confirmation test is 0.04 percent or greater.

(5) The EAP coordinator arranges an evaluation with the driver, the supervisor, and the SAP when the driver’s test result requires SAP evaluation.

(6) The driver’s record is disclosed and maintained according to 49 CFR 40, subpart C, sections 40.8, and 40.83.

4-6. Medical Review. The medical review guidance and procedures outlined in Chapters 3-9 – 3-12 of this regulation are applicable to DOT TDPs.

4-7. Personnel Actions Based on Positive Results. Personnel actions based on positive results outlined in chapter 3-13 of this regulation are applicable to DOT TDPs along with the following:

a. An employee who receives a verified positive drug test result, verified adulterated or substituted drug test results, or refuses to test must be immediately removed from performing safety-sensitive functions until cleared to return-to-duty by a Substance Abuse Professional.

b. An employee who receives an alcohol test result of 0.04 or higher must be immediately removed from performing safety sensitive functions until cleared to return-to-duty by a Substance Abuse Professional. .

c. An employee who receives an alcohol test result of 0.02-0.039 must be temporarily removed from performing safety-sensitive functions for 24 hours.

4-8. Recordkeeping and Reports.

a. DOT reporting requirements are detailed in references (f) and (p).

b. Each District/FOA DTC will prepare and maintain an annual summary of the results from their DOT Drug and Alcohol testing programs. The information required for this summary can be found in reference (p).

c. DOT Drug and Alcohol Testing MIS Data Collection Form.

(1) Each District /FOA DTC will ensure that a DOT Drug and Alcohol Testing MIS Data Collection Form is completed no later than 15 February of each year. Completed forms will be promptly forwarded to their Division/MSC DTC. Completed forms must be maintained for at least 5 years.

(2) The Division/MSC DTC's will prepare a Division/MSC summary report and submit it to the USACE Drug Program Manager no later than 1 March of that year.

(3) The USACE Drug and Alcohol Program Manager will compile a USACE-wide summary and analysis using Division/MSC data and forward a completed report to the Office of the Secretary of Transportation no later than 15 March of that year.

Chapter 5

Department of Homeland Security's U. S. Coast Guard Drug Testing Program for Floating Plant Employees

5-1. Applicability.

a. Department of Homeland Security's U. S. Coast Guard rules in 46 CFR, Part 16, provide separate alcohol and drug testing requirements for crewmembers onboard vessels acting under the authority of a license, certificate of registry, or merchant mariner's document issued under Title 46 of the Code of Federal Regulations. Part 16 requires that all drug and alcohol testing of employees whom occupy a position listed in Appendix E category 1 comply with the requirements of DOT procedures in 49 CFR, Part 40 and Part 383, which governs testing of drivers of commercial highway vehicles (See Chapter 4 of this regulation).

b. USACE employees occupying positions that meet the definition of a crewmember on a vessel are subject to these requirements and must be tested under the same procedures outlined in Chapter 4 of this regulation.

c. Crewmembers on USCG inspected vessels who perform the following will be drug tested consistent with 46 CFR Part 16:

(1) Occupy a position, or perform the duties and functions of a position, required by the vessel's Certificate of Inspection.

(2) Perform the duties and functions of patrolmen or watchmen.

(3) Are specifically assigned the duties of warning, mustering, assembling, assisting, or controlling the movement of passengers during emergencies.

d. Crewmembers on uninspected vessels who:

(1) Are required by law or regulation to hold a license issued by the Coast Guard in order to perform their duties on the vessel.

(2) Perform duties and functions directly related to the safe operation of the vessel. Operation means to navigate, steer, direct, manage, or sail a vessel, or to control, monitor, or maintain the vessel's main or auxiliary equipment or systems. Operation includes:

(a) Determining the vessel's position, piloting, directing the vessel along a desired trackline, keeping account of the vessel's progress through the water, ordering or executing changes in course, rudder position, or speed, and maintaining a lookout;

(b) Controlling, operating, monitoring, maintaining, or testing: the vessel's propulsion and steering systems; electric power generators; bilge, ballast, fire, and cargo pumps; deck machinery including winches, windlasses, and lifting equipment; lifesaving equipment and appliances; firefighting systems and equipment; and navigation and communication equipment; and

(c) Mooring, anchoring, and line handling; loading or discharging of cargo or fuel; assembling or disassembling of tows; maintaining the vessel's stability and watertight integrity.

(3) Perform the duties and functions of patrolmen or watchmen.

(4) Are specifically assigned the duties of warning, mustering, assembling, assisting, or controlling the movement of passengers during emergencies.

5-2. Testing Categories. Floating plant employees to whom Coast Guard testing rules apply are subject to drug testing under circumstances described in 46 CFR, Part 16.210-250. These rules require drug testing in the following circumstances:

a. Pre-employment Testing.

(1) USACE will not employ any individual to serve as a crewmember unless the individual passes a drug test.

(2) USACE may waive a pre-employment drug test required for a job applicant if the applicant has passed a drug test, required by 46 CFR, part 16, within the previous 6-months with no subsequent positive drug tests during the remainder of the six-month period. USACE may also waive a pre-employment drug test required for a job applicant if during the previous 185 days been subject to a random testing program required by 46 CFR, part 16 for at least 60 days and did not fail or refuse to participate in a drug test.

b. Periodic Testing Requirements. An applicant must pass a drug test for —

(1) an original issuance of a license, certificate of registry (COR), merchant mariner's document (MMD), or merchant mariner's credential (MMC).

(2) The first issuance, raise of grade, or renewal of an officer endorsement on a MMC.

(3) A raise of grade of a license or COR.

(4) The first endorsement as an able seaman, lifeboatman, qualified member of the engine department, or tankerman.

(5) A reissuance of a credential with a new expiration date. The applicant must provide the results of the test to the Coast Guard Regional Examining Center (REC) at the time of submitting an application. The test results must be completed and date not more than 185 days before submission of the application.

c. Random Testing Requirements.

(1) Drug and alcohol testing will be conducted on a random basis for crewmembers on inspected vessels who:

(a) Occupy a position, or perform the duties and functions of a position, required by the vessel's Certificate of Inspection.

(b) Perform the duties and functions of patrolmen or watchmen.

(c) Are specifically assigned the duties of warning, mustering, assembling, assisting, or controlling the movement of passengers during emergencies.

(2) Drug and alcohol testing will be conducted on a random basis for crewmembers on uninspected vessels who:

(a) Are required by law or regulation to hold a license issued by the Coast Guard in order to perform their duties on the vessel.

(b) Perform duties and functions directly related to the safe operation of the vessel.

(c) Perform the duties and functions of patrolmen or watchmen.

(d) Are specifically assigned duties of warning, mustering, assembling, assisting, or controlling the movement of passengers during emergencies.

(3) Identification of TDPs.

(a) Fiscal Year Submission. In order to constitute the pools properly, the District/FOA DTCs identified in Table 1, with the assistance and involvement of local managers, supervisors, and servicing CPAC Specialists, coordinate the identification of all positions in their organizations that meet the definition of "crewmember" on a floating plant. The District/FOA DTCs will document the list of employees and positions using the Random TDP Selection Procedures in Appendix G. This spreadsheet listing will be submitted electronically no later than 1 October each year to the Division/MSC DTC, as appropriate. In the event that a given organization does not have any identifiable positions, a written certification to that effect will be submitted to the Division/MSC DTC.

(b) Mid-Fiscal Year Review. All District/FOA DTCs will coordinate a review of the crewmember positions and the list of incumbents in their organizations at the mid-point in the fiscal year and submit an updated list to the appropriate Division/MSC DTC no later than 31 March each year.

(c) Pool List. No later than 15 October each year, the Division/MSC DTC will compile a Microsoft Excel spreadsheet containing a listing of all employees occupying crewmember positions in their respective jurisdictions. Updates may be made based on mid-year submissions, or as necessary.

(d) This list will be combined with the DOT list to constitute the USCG/DOT Testing Pool from which random selections will be conducted during that year. If an employee holds a position that meets the description requirements of both a USCG and DFWP TDP, it is not

necessary for the employee to be included in both pools. The employee will only be included in the DOT testing pool.

(4) Frequency and Timing of Random Testing. Random alcohol testing will be conducted at a minimum rate of 10 percent of TDPs per year. Random drug testing will be conducted at a minimum rate of 50 percent of TDPs per year. Random testing must be conducted monthly. These rates are adjustable and may be updated annually, based on USACE goals and directives, or at the direction of the USCG. A crewmember selected for testing may undergo both alcohol and drug testing. In some cases, because the testing rates differ, the crewmember may undergo drug testing only. Employees will report to the testing facility within 2 hours of notification. An individual who is off-site must report to the collection site no more than 6 hours after notification.

(5) Notification of employees selected for random drug and alcohol testing. The notification procedures outlined in Chapter 3-8.e. of this regulation will apply to USACE TDP employees who are selected for random alcohol and drug testing.

(5) Deferral of Testing. The procedures for deferral of testing outlined in Chapter 3-8.f. of this regulation will apply to USACE TDP employees who are not available to test when selected for random alcohol and drug testing.

(6) Failure to Appear. The failure to appear procedures outlined in Chapter 3-8.g of this regulation will apply to USACE TDP employees who fail to appear for scheduled alcohol and drug testing.

d. Serious Marine Incident Testing (SMI). When a casualty or incident is, or is likely to become, an SMI, USACE will ensure the following alcohol and drug testing is conducted:

(1) Alcohol Testing.

(a) Alcohol testing must be conducted on each individual engaged or employed on board the vessel who is directly involved in the SMI. Alcohol testing of each individual must be conducted within 2 hours of when the SMI occurred unless precluded by safety concerns directly related to the incident. If safety concerns directly related to the SMI prevent the alcohol testing from being conducted within 2 hours of the SMI, then alcohol testing must be completed as soon as the safety concerns are addressed. Alcohol testing is not required to be conducted more than 8 hours after the occurrence of the SMI.

(b) If alcohol testing is not conducted, the reason why must be documented on Forms CG-2692 and CG-2692B.

(c) The USCG alcohol-testing requirements specified in 46 CFR 4.06-15 states that the specimen collecting kits need not be carried on board each vessel if collecting the specimen can be performed within two hours from the time of the SMI.

(d) Alcohol test results conducted by the Coast Guard or local law enforcement personnel will

satisfy the alcohol testing requirements.

(2) Drug Testing.

(a) Drug testing must be conducted on each individual engaged or employed on board the vessel who is directly involved in the SMI. Individuals must be drug tested within 32 hours of when the SMI occurred unless precluded by a safety concern directly related to the incident. If safety concerns directly related to the SMI prevent the drug tests from being conducted within 32 hours of the occurrence of the SMI, then the drug test must be conducted as soon as the safety concerns are addressed.

(b) If drug testing was not conducted, the reason why must be documented on forms CG-2692 and CG-2692B.

(c). The USCG drug testing requirements specified in 46 CFR 4.06-15 state that the specimen collecting kits need not be carried on board each vessel if collecting the specimen can be performed within 32 hours from the time of the SMI.

e. Reasonable suspicion testing. Crewmembers who are reasonably suspected of using drugs or alcohol will undergo drug and alcohol testing.

(1) The decision to test must be based on a reasonable and articulable belief that the individual has used drugs or alcohol based on direct observation of specific, physical, behavioral, or performance indicators of probable use. When possible, this belief should be based on the observation of the individual by two persons in a supervisory position.

(2) Supervisors will gather all information, facts, and circumstances that led to and supported the suspicion and will meet with the higher-level supervisor, and the servicing CPAC to review the evidence. The supervisor records the observations that led to the reasonable suspicion test.

(3) The supervisor will notify the DTC and provide the information necessary to arrange for the reasonable suspicion drug and/or alcohol test, which will be conducted on the same day that the test was approved or as soon as possible if same-day testing is not possible.

(4) Once the test is approved, the supervisor will inform the crewmember that they are to report for drug and/or drug testing.

(5) Promptly notify the CPAC when the crewmember is to be tested for reasonable suspicion and if the crewmember is found to have used illegal drugs.

5-3. Specimen Collection. The procedures for drug and alcohol test specimen collections outlined in Chapter 4-5 of this regulation will apply to USCG TDP drug and alcohol test specimen collections.

5-4. Medical Review. The medical review guidance and procedures outlined in Chapters 3-9 – 3-12 of this regulation are applicable for USCG TDPs.

5-5. Personnel Actions Based on Positive Results. Personnel actions based on positive results outlined in chapter 3-13 of this regulation are applicable to USACE TDPs along with the following:

a. If an individual holding a credential fails a drug test, USACE must report the test results in writing to the nearest Coast Guard in Charge, Marine Inspection, upon request. The individual must be denied employment as a crewmember or must be removed from duties that directly affect the safe operation of the vessel as soon as possible and is subject to suspension and revocation proceedings against their credential.

b. If an individual who does not hold a credential fails a drug test, the individual will be denied employment as a crewmember or removed from the duties which directly affect the safe operation of the vessel as soon as possible.

c. Before an individual who has failed a required drug test may return to work, a Substance Abuse Professional must determine that the individual is drug-free and the risk of subsequent use of drugs by that person is sufficiently low to justify their return to work. In addition, the individual must agree to be subject to increased unannounced testing.

(1) The individual will be subject to a minimum of six tests in the first year after the individual returns to work.

(2) The individual may be subject to an additional testing period determined by a Substance Abuse Professional for up to a total of 60 months.

5-6. Reporting of Positive Test Results. Consistent with 46 USC 7706 and 46 CFR Part 16.230, all positive drug and alcohol test results on crewmembers who hold a USCG license as a condition of USACE employment must be reported to the Commandant of the Coast Guard within two weeks of verification by an authorized official (i.e., a USACE Commander or his/her designee). The supervisor will ensure that all personnel actions based on a positive test result (see chapter 3-13) are fully documented.

5-7. Recordkeeping. District/FOA DTCs will maintain records of USACE TDP drug tests and will provide these records to Coast Guard officials upon request. District/FOA DTCs will:

a. Identify the number of individuals drug tested annually in each of the categories of testing.

b. Identify the annual number of individuals failing drug tests and the number and type of drugs for which individuals tested positive.

Table 1 CORPS OF ENGINEERS DRUG-FREE WORKPLACE TESTING POOLS			
ORGANIZATION (S) INCLUDED:	TESTING POOL DESIGNATION:	DIVISION/MSC DRUG TEST COORDINATOR:	DISTRICT/FOA DRUG TEST COORDINATORS:
HQUSACE, HECSA, 249TH ENGR BAT, IWR, HNC, AGC	HECSA	HECSA	HECSA, 249TH ENGR BAT, IWR, HNC, AGC
ERDC	ERDC	ERDC	ERDC
MVD	MVD	MVD	1 IN EACH DISTRICT
CIO-G6	CIO-G6	CIO-G6	CIO-G6
TAD	TAD	TAD	1 EA DISTRICT
LRD	LRD	LRD	1 EA DISTRICT
NAD	NAD	NAD	1 EA DISTRICT
NWD	NWD	NWD	1 EA DISTRICT
POD	POD	POD	1 EA DISTRICT
SAD	SAD	SAD	1 EA DISTRICT
SPD	SPD	SPD	1 EA DISTRICT
SWD	SWD	SWD	1 EA DISTRICT
UFC	UFC	UFC	UFC
ULA	ULA	ULA	ULA

Appendix A
Sample Voluntary Testing Agreement

I (name of employee)_____ hereby volunteer for unannounced random drug testing. I do so to demonstrate my commitment to the USACE goal of a Drug-free Workplace and to set an example for others. I understand that I will be subject to the same consequences for a finding of illegal drugs as an employee who occupies a Testing Designated Position (TDP). I further understand that I may withdraw from participation in voluntary testing at any time by submitting a written request to my supervisor.

Employee's Signature

Date

PRIVACY ACT STATEMENT

Collection of this information is authorized under Executive Order 12564, "Drug-free Federal Workplace." The information will be used to document your wish to participate in voluntary drug testing. Your name will be included in a testing pool from which names of volunteers will be randomly selected for unannounced drug testing. Completion of this form is voluntary; however, if you do not sign it, you will not be included in voluntary drug testing. IAW EO 12564 and 5 U.S.C. 7301, test results may only be disclosed to agency officials on a need-to-know basis. This may include the agency Medical Review Officer, the administrator of the Employee Assistance Program and a supervisor with authority to take adverse personnel action. This information may also be disclosed to a court or the Department of Justice where necessary to defend against a challenge to an adverse personnel action.

Appendix B
Sample Follow-Up Testing Notification

TO: _____

This is to notify you that you will be subject to unannounced follow-up drug testing during the 12-month period and/or the period identified by your Substance Abuse Counselor (SAP) beginning _____. You will be tested for all five drugs authorized in the Department of Health and Human Services (DHHS) Mandatory Guidelines for Federal Workplace Drug Testing Programs. The drugs are: amphetamines, opiates, phencyclidine (PCP), cocaine, and marijuana. This testing is separate from regular random testing and from rehabilitation testing that may be part of your treatment plan.

ACKNOWLEDGMENT OF RECEIPT

Your signature below acknowledges that you have read this notice.

Employee's Signature Date

Note: If the employee refuses to sign the acknowledgment above, the supervisor must sign below, thereby certifying that a copy of the notice was provided to the employee.

Supervisor's Signature Date

PRIVACY ACT STATEMENT

Collection of this information is authorized under Executive Order 12564, "Drug-free Federal Workplace." The purpose of this form is to notify you that you will be subject to unannounced follow-up drug testing consistent with EO 12564. Completion of this form is voluntary. Failure to sign the form does not release you from the requirement to participate in follow-up drug testing. IAW EO 12564 and 5 U.S.C. 7301, test results may only be disclosed to agency officials on a need-to-know basis. This may include the agency Medical Review Officer, the

Administrator of the Employee Assistance Program, and a supervisor with authority to take adverse personnel action. This information may also be disclosed to a court or the Department of Justice where necessary to defend against a challenge to an adverse personnel action.

Appendix C
DA Form 5019

CONDITION OF EMPLOYMENT FOR CERTAIN CIVILIAN POSITIONS IDENTIFIED CRITICAL UNDER THE DEPARTMENT OF THE ARMY DRUG-FREE FEDERAL WORKPLACE PROGRAM <small>For use of this form, see DA PAM 600-85; the proponent agency is ODCSPER</small>	
1. FROM	2. TO <i>(Employee name, title, series, and grade)</i>
<p style="text-align: center;">3. NOTICE TO APPLICANT OR CURRENT EMPLOYEE OF RANDOM DRUG TESTING UNDER THE DEPARTMENT OF THE ARMY DRUG-FREE FEDERAL WORKPLACE PROGRAM</p> <p>A. Your position, or the position for which you have applied, meets the criteria for random drug testing under the Department of the Army Drug-Free Federal Workplace Program. Performance of the duties of your position is sufficiently critical that screening to detect the presence of drugs is warranted as a requirement of your position. It is mandatory for your continued employment in this position that you refrain from the use of illegal drugs and submit to drug testing when directed.</p> <p>B. If you are an applicant and fail to sign this notice, you will not be selected for the position. If you sign this notice and later in the selection process refuse to submit to drug testing, or if illegal drug use is detected through a verified positive applicant drug test result, you will not be selected for the position. If selected, you will be subject to random drug testing on an unannounced basis as a condition of continued employment.</p> <p>C. If you are currently in a testing designated position (<i>TDP</i>), you may be subject to random drug testing on an unannounced basis no sooner than 30 days from receipt of this notice.</p> <p>D. The collection, handling, and testing of the urine sample will be conducted under chain-of-custody procedures established by the Department of Health and Human Services. The procedures used to test the urine specimens are very accurate and tightly monitored to ensure reliable results. The test results will be handled with maximum respect for individual confidentiality. In the event your specimen tests positive, you will be given an opportunity to submit medical documentation to a designated medical review officer that may support legitimate use of the specific drug(s) before any administrative action is taken.</p> <p>E. If you refuse to furnish a urine specimen or fail to report for testing as directed, you will be subject to the same range of administrative action as a verified positive test result for illegal drug use for failure to meet a condition of employment. If, by any means, illegal drug use is detected, you will be (1) immediately taken out of your TDP through reassignment, detail, or other personnel action to ensure that you do not occupy a TDP, and (2) referred to the Employee Assistance Program (<i>EAP</i>). In addition, you may be reassigned, demoted, or separated according to applicable regulations.</p> <p>F. If you believe you have a drug problem, you are encouraged to seek counseling and/or referral services by contacting the EAP <i>(provide name, address, telephone number of point of contact)</i>.</p>	
<p>4. ACKNOWLEDGMENT OF RECEIPT: Your signature below acknowledges that you have read this notice.</p>	
a. EMPLOYEE'S SIGNATURE	b. DATE (YYYYMMDD)
<p>NOTE: If an employee refuses to sign the acknowledgment above, the supervisor must sign below, thereby certifying that a copy of the notice was provided to the employee.</p>	
5a. SUPERVISOR'S SIGNATURE	5b. SUPERVISOR'S TELEPHONE NUMBER AND FAX NUMBER
5c. SUPERVISOR'S E-MAIL ADDRESS	5d. DATE (YYYYMMDD)

DA FORM 5019, NOV 2001

DA FORM 5019-R, JAN 1986, IS OBSOLETE

USAPA V2.0025

Appendix D

Drug-Free Workplace Testing Designated Positions

Provided below are the sensitive positions or categories of positions that involve law enforcement, national security, the protection of life and property public health or safety, or other functions requiring a high degree of trust and confidence, which have been identified as TDPs across the Department of the Army. Employees in these TDPs are subject to random testing, which occurs without suspicion that a particular individual is using illegal drugs.

- (1) Positions which authorize the incumbent to carry firearms.
- (2) Positions which require the incumbent to operate a motor vehicle transporting one or more passengers on at least a weekly basis.
- (3) Operators of motor vehicles who are required to have a commercial driver's license and—
 - (a) Who drive motor vehicles weighing more than 26,001 pounds.
 - (b) Who drive motor vehicles designed to transport more than 16 passengers.
 - (c) Who drive motor vehicles that transport hazardous materials.
- (4) Positions which require the incumbent to maintain a top secret clearance or have access to sensitive compartmented information in the performance of their duties.
- (5) Railroad operating crews and railroad personnel in positions in which duties include handling train movement orders, conducting safety inspections, or the maintenance and repair of signal systems.
- (6) Aviation flight crewmembers, air traffic controllers, and aviation personnel in positions in which the duties include dispatching, safety inspections, or the repair and maintenance of aircraft.
- (7) The ASAP positions in which the incumbent provides direct rehabilitation and treatment services to identified alcohol or illegal drug abusers.
- (8) The PRP positions (biological duty positions, nuclear duty positions, or chemical duty positions) under the provisions of AR 50-1, AR 50-5, or AR 50-6.
- (9) Positions which require duties involving the supervision or performance of controlling and extinguishing fires, and/or rescuing of people endangered by fire.
- (10) Positions which require the handling of munitions or explosives in connection with the manufacturing, maintenance, storage, inspection, transportation, or demilitarization of these items.
- (11) Positions which require the incumbents to electroplate critical aircraft parts.
- (12) Front line law enforcement personnel with drug interdiction duties who have access to firearms.

(13) Medical positions—

(a) That are directly involved in patient care in which the incumbent has direct patient contact or performs diagnostic testing or therapeutic functions.

(b) That are directly involved in patient care in which the incumbent is required to extract or work with patient's blood, urine, and other bodily fluids or tissues; prepare patient specimens for examination; perform specialized or nonroutine test on patients; bodily fluids or tissue samples; or confirm patients' test results.

(c) Positions in which the incumbent maintains, stores, safeguards, inputs, fills, or distributes drugs and medications:

1. 0602 Physicians.
2. 0603 Physicians Assistants.
3. 0610 Registered Nurses.
4. 0620 Licensed Practical Nurses/Licensed Veterinary Nurses.
5. 0621 Nursing Assistants.
6. 0633 Physical Therapists.
7. 0640 Health Technicians.
8. 0642 Nuclear Medical Technicians.
9. 0644 Medical Technologists.
10. 0645 Medical Technicians.
11. 0647 Diagnostic Radiation Technicians/Technologists).
12. 0648 Therapeutic Radiation Technicians/Technologists).
13. 0649 Medical Instrument Technicians.
14. 0660 Pharmacists.
15. 0661 Pharmacy Technicians.
16. 0668 Podiatrists.
17. 0680 Dentists.
18. 0681 Dental Technicians.
19. 0682 Dental Hygienists.

(14) Biological PRP positions. When the following require unsupervised access to biological agents and toxins and work in biological containment conditions:

- (a) 0018 Safety and Occupational Health Management.
 - (b) 0080 Security Administration.
 - (c) 0086 Security Assistant.
 - (d) 0301 Administrative Management.
 - (e) 0401 Biological Scientist. (f) 0403 Microbiologist.
 - (g) 0404 Biological Science Technician.
 - (h) 0405 Pharmacologist.
 - (i) 0414 Entomologist.
 - (j) 0415 Toxicologist.
 - (k) 0602 Medical Officer.
 - (l) 0644 Medical Technologist.
 - (m) 0646 Pathology Technician.
 - (n) 0701 Veterinary Medical Science.
 - (o) 0704 Animal Health Technician.
 - (p) 0801 General Engineer.
 - (q) 0802 Engineering Technician.
 - (r) 0830 Mechanical Engineer.
 - (s) 2001 Supply Specialist.
 - (t) 1301 Physical Scientist.
 - (u) 1311 Physical Science Technician.
 - (v) 1320 Research Chemist.
 - (w) 1910 Quality Assurance.
 - (x) 5048 Animal Caretaker.
- (15) Crane Operators.
- (a) When positions in the following series require the incumbent to operate, inspect, maintain, repair, or rig loads for overhead cranes.
 1. WG-5725.
 2. WG-3359.

3. WG-5350.

4. WK-5401.

(b) The lifting capacity of the overhead crane is twenty (20) tons or greater.

Appendix E USACE-Specific TDP Categories

The positions listed below are representative of the categories, however, this is not an all-inclusive-list.

CATEGORY 1. OPERATE SURFACE VESSEL - Positions that require the incumbent to operate any surface vessel*, whether powered or not, including dredging equipment, in which the duties include operating, navigating, steering, directing, or sailing the vessel, operating the engines of a vessel while underway, or operating the spud(s) [anchor(s)] on a dredge.

Use of illegal drugs could result in failure of the incumbent to make timely and crucial assessments and judgments leading to serious threats to public safety, and a high potential for excessive cost in loss of life or damage to high-value marine equipment. Many vessels operate in busy commercial harbors and on the open seas 24 hours a day, seven days a week. Drug usage by an incumbent could result in loss of life or injury or environmental degradation should the vessel collide with another vessel or structure resulting in spills of oil or other toxic or hazardous substances.

Positions in this category include:

- 5479 Dredging Equipment Operator
- 5782 Ship Operator
- 5784 Riverboat Operator
- 5786 Small Craft Operator
- *4742 Engine & Machinery Operation and Repair
- *5788 Vessel Deck Crew (Boatswain, Deckhand, Shipkeeper)

*Basis for inclusion – involved in engine operation while the vessel is underway.

CATEGORY 2. OPERATE NAVIGATIONAL LOCKS - Positions that require the incumbent to operate navigational locks for passage of marine surface traffic or that involve dispatching and clearing marine surface traffic in and out of narrow ship canals to include marine traffic controllers.

Use of illegal drugs by the incumbent could result in loss of life or serious injury and property damage to the public from improper control of vessels or improper operation of lock and dam gates.

Positions in this category include:

- 2101 Transportation Specialist
- 2150 Transportation Operations
- 5426 Lock & Dam Operator

CATEGORY 3. OPERATE FLOOD CONTROL GATES - Positions that require the incumbent to operate flood control gates to control water levels on waterways, to include dam operators.

Use of illegal drugs by the incumbent could result in loss of life or serious injury and property damage to the public from improper operation of lock and dam gates.

Positions in this category include:

- 5426 Lock & Dam Operator
- *4749 Flood Control Maintenance Worker
- *5407 Power Plant Operator

*Basis for inclusion - involved with flood control gate operation.

CATEGORY 4. OPERATE WATER TREATMENT PLANT - Positions that require the incumbent to operate a water treatment plant to produce potable water for community and government use in which the duties include laboratory testing of water samples or the introduction of potentially hazardous chemicals and compounds into the water in the course of treatment.

Use of illegal drugs by the incumbent could result in loss of life or serious injury and property damage to the public from improper addition of chemicals or toxic substances into the potable water system.

Positions in the category include:

- 5409 Water Treatment Plant Operator

Appendix F

Fort Meade Forensic Toxicology Laboratory Procedures

1. The Department of Army has directed that analysis of all civilian drug tests be performed by the Fort Meade Forensic Toxicology Drug Testing Laboratory after 1 October 2006. The Ft. Meade Lab is fully accredited and certified and meets all legal and regulatory requirements.

2. All USACE commands will use USACE's testing process that involves both the Fort Meade Lab and the current Department of Interior (DoI) contract service provider. The following process has been established:

a. Base Area Code (BAC).

(1) Fort Meade establishes a unique BAC for each USACE organizational entity. The following list of accounts were established based on those who had an account number with the DoI contractor.

BAC	Description	Location	BAC	Description	Location
181Y	ACE-IT	ACE-IT	CE30	CELRC	ACE: LRD: Chicago
183Y	ACE-TAD	Transatlantic Division	CE31	CENAB	ACE: Baltimore
189Y	AGC	HECSA: Army Geospatial Center	CE32	CENAE	ACE: NEW ENGLAND
190Y	CE249ENBN	HECSA:249TH Engineer Battalion	CE33	CENAN	ACE:NY BAC:CE33
CE01	HQUSACE	HECSA:HQ	CE34	CENAO	ACE: NORFOLK
CE02	ERDC	ACE: ERDC	CE35	CENAP	ACE: PHILADELPHIA
CE04	SWD	ACE: SOUTHWESTERN DIVISION	CE36	CENAU	ACE: EUROPE
CE05	SPD	ACE: SOUTH PACIFIC DIVISION	CE37	CENWD	ACE: NWD-PORT
CE06	SAD	ACE: SOUTH ATLANTIC DIVISION	CE38	CENWO	ACE:NWD:OMAHA
CE08	NWD	ACE: NORTHWESTERN DIVISION	CE39	CENWP	ACE: PORTLAND
CE09	NAD	ACE: CENAD-NORTH ATLANTIC DIVISION	CE39-FMCSA	CENWP	ACE: PORTLAND
CE11	CEMVP	ACE:MVD:ST PAUL-CEMVP	CE39-USCG	CENWP	ACE: PORTLAND
CE12	CEMVR	ACE:MVD:ROCK ISLAND-CEMVR	CE40	CENWW	ACE: WALLA WALLA
CE12-DOT	CEMVR	ACE:MVD:ROCK ISLAND-CEMVR	CE40-DOT	CENWW	ACE: WALLA WALLA
CE12-USCG	CEMVR	ACE:MVD:ROCK ISLAND-CEMVR	CE41	CESAC	ACE: CHARLESTON

CE13	CEMVS	ACE:MVD:ST LOUIS-CEMVS	CE42	CESAJ	ACE: JACKSONVILLE
CE13-DOT	CEMVS	ACE:MVD:ST LOUIS-CEMVS	CE43	CESAM	ACE: MOBILE
CE14	CEMVM	ACE:MVD:MEMPHIS	CE44	CESAS	ACE: SAVANNAH
CE15	CEMVK	ACE:MVD:VICKSBURG	CE45	CESAW	ACE: WILMINGTON
CE15-USCG	CEMVK	ACE:MVD:VICKSBURG	CE46	CESPA	ACE: ALBUQUERQUE
CE16	CEMVN	ACE:MVD:NEW ORLEANS-CEMVN	CE47	CESPK	ACE: SACRAMENTO
CE17	CELRP	ACE: LRD:PITTSBURGH DISTRICT	CE47-DOT	CESPK	ACE: SACRAMENTO
CE18	CELRE	ACE:LRD:DETROIT DISTRICT	CE48	CESPL	ACE: LOS ANGELES
CE19	CELRB	ACE: LRD:BUFFALO DISTRICT	CE49	CESPN	ACE: SAN FRANCISCO
CE20	CELRH	ACE: LRD: CELRH-HUNTINGTON	CE50	CESWF	ACE: FT WORTH
CE21	CELRN	ACE:LRD:NASHVILLE DISTRICT	CE51	CESWG	ACE: GALVESTON
CE21-DOT	CELRN	ACE:LRD:NASHVILLE DISTRICT	CE52	CESWL	ACE: LITTLE ROCK
CE22	CELRL	ACE: LRD: CELRL LOUISVILLE	CE53	CESWT	ACE: TULSA
CE22-DOT	CELRL	ACE: LRD: CELRL LOUISVILLE	CE54	CETAC	ACE: TRANS ATLANTIC
CE24	CENWS	ACE: NWD: CENWS-SEATTLE DISTRICT	CE56	MDC	ACE: MARINE DESIGN CTR
CE26	CEFC	ACE: MVD: CEFC	CE57	MVD	ACE: MISSISSIPPI VALLEY
CE27	CEHEC	HECSA:HECSA	CE57-USCG	MVD	ACE: MISSISSIPPI VALLEY
CE28	CEHNC	HECSA: HUNTSVILLE	CE58	POD	ACE: PACIFIC OCEAN DISTRICT
CE29	CEIWR	HECSA: INSTITUTE FOR WATER RES.	MW04-ACE	ACE	ARMY CORP OF ENGINEERS

(2) The BAC's replace (and/or are in addition to) the account numbers that were initially assigned to each USACE organization by DoI. Additional BAC's may be obtained by contacting the Ft. Meade Lab.

(3) BAC's should always be entered on the chain of custody form for each test in order for both the Ft. Meade Lab and the DoI contractor to track and report the test from beginning to end. NOTE: While it will be impossible for individual Drug Test Coordinators to assure that the DoI contractor or the collection facility enters the BAC on the chain of custody form before mailing, Drug Test Coordinators must use necessary measures to assist with accomplishing this.

b. Requesting and Using Tests and Test Kits.

(1) District/FOA Drug Test Coordinators may order tests online through the DoI contractor web site: <http://www.edrugtest.com>. The DoI contractor will send Ft. Meade drug test kits and chain of custody forms to the collection site/clinic.

(2) The collection site/clinic will ship the specimens directly to Ft. Meade Lab using the mailing labels provided by the DoI contractor. NOTE: Collection sites can help Ft. Meade by placing the red and white "CIVILIAN" sticker on the outside of the shipping container, but District/FOA DTC's can only encourage this practice since they will not be able to directly monitor the shipping of kits.

c. Test Analysis. Ft. Meade will analyze the specimens and notify the DoI contractor of the results. The DoI contractor will post the results on their website so that District/FOA DTC's may view/obtain test results promptly.

d. Medical Review Officer Services. The DoI contractor will continue to provide Medical Review Officer services, including expert witness testimony. In the event of positive tests, the MRO will review the results, perform the usual follow-up actions, and provide written reports to the appropriate DTC. The Ft. Meade lab does not provide MRO services, so all questions concerning MRO issues should be addressed to the DoI contractor.

e. Billing/Costs.

(1) The DoI contractor will bill USACE organizations only for the services they provide.

(2) Ft. Meade will be reimbursed for specimen analysis by the U. S. Army Medical Command using funds provided by the Department of Defense for that purpose.

Appendix G

Random TDP Selection Procedures

In order to ensure a consistent, random selection procedure, Division/MSD DTCs will use the following process to generate each random testing list.

Create a current, updated Division/MSD TDP roster and save it in a Microsoft Excel spreadsheet/workbook. It is recommended that pool lists be generated using the Business Objects Applications (BOXI) in the DCPDS database, which can then be exported to a Microsoft Excel spreadsheet on your computer. The needed data fields (e.g., name, title, location, drug testing required, etc.) may be selected and then the search can be limited to specific organizations (e.g., using “organization structure code”). The search can be limited to only employees whose positions require a drug test by using the “drug test required” data element and limiting it to the following codes: 2, 3, A, D, E, F, G, H, I, J, or K. Anyone not having one of these codes in that data element does not occupy a TDP.

1. Create a Master list in excel
2. Open the spreadsheet, click the “Data” tab on the toolbar, then “data analysis”
3. Select “Random Number Generation”
4. Click on Distribution, select “Uniform”
5. Select Output Range. In the block next to “output range” enter $SA\$2:SA\20 (the last number in this string should reflect the total number of records on the list)
6. Click “OK” At this point, numbers are generated in column A.
7. Highlight all the records on the sheet. Do not select “Expand selection” because it will include the header row in the sort process.
8. Click the “Data” tab on the toolbar, then “Sort”, “Sort” by Column A, hit ok. This step creates your random list.
9. To sort the random list by District, highlight the number of records to be tested this quarter, then click the “Data” tab on the toolbar, then “Sort”, then click “Sort”, by District column (i.e., D/E/F), hit ok. This step sorts by District in ascending order. Each District DTC should only receive a copy of employees for their AOR.

APPENDIX H
Sample Notification to Report for Drug Testing

CEXXX

Date

MEMORANDUM FOR RECORD

SUBJECT: Notification to Report for Drug Testing

1. On _____ at _____ I met with _____ and directed him/her to report
(date) (time) (employee's name)
immediately to _____ located _____ for a drug test.
(name of clinic or test facility) (address or location of test facility)

2. I explained that:

a. I have arraigned for his/her transportation and he/she will be accompanied to the test location by

(person who will accompany him/her to the test location)

b. The drug test will require a urine specimen, and the test will be for five drugs (marijuana, cocaine, opiates, phencyclidine (PCP), amphetamines) consistent with published US Department of Health and Human Services "Mandatory Guidelines for Federal Workplace Drug Testing Program."

c. Refusal to take the drug test or failure to pass the drug test will result in referral of the employee to the Employee Assistance Program and may result in the initiation of disciplinary or adverse action or removal of the employee from Federal service.

d. The authority for this drug test is AR 600-85, and the basis for the drug test is:

___ reasonable suspicion of illegal drug use

___ reasonable suspicion of having caused or contributed to an accident that either resulted in death or personal injury requiring immediate hospitalization, or damage to Government or private property estimated to be in excess of \$20,000

e. He/she:

___ will be permitted to provide a urine specimen privately in a restroom or similar enclosure so that the employee is not visually observed while providing a sample unless the collector observes behavior clearly indicating an attempt to tamper with the specimen or if the specimen temperature is outside the normal range

___ will be required to provide a urine specimen in a restroom or similar enclosure while observed by someone of the same gender

3. I have consulted with my next higher level supervisor _____, the Labor Counselor
(name)
_____, and the servicing CPAC Specialist _____.
(name) (name)

(signature)

(name)

Glossary

Accident or Unsafe Practice Testing

Employees may be subject to testing when based upon the circumstances of the accident, their actions are reasonably suspected of having caused or contributed to an accident that results in a death or personal injury requiring immediate hospitalization or results in damage to government or private property estimated to be in excess of \$10,000.

Adulterated Specimen

A urine specimen containing a substance that is not a normal constituent or containing an endogenous substance at a concentration that is not a normal physiological concentration.

Cancelled Test

The result that is reported when an analytical laboratory has reported an invalid result (and the donor has no legitimate explanation) or rejected for testing, when a split specimen fails to reconfirm, or when the MRO determines that a fatal flaw or unrecovered correctable error exists in the forensic records. The donor is not normally retested unless a negative result is required, as in the case of a pre-employment, return-to-duty, or follow-up test.

Chain of Custody

Procedures to account for the integrity of each urine specimen or aliquot, by tracking, handling, and storing from point of specimen collection to the final disposition of the specimen. Documentation of this process must include the date and purpose each and every time specimens or aliquots are handled or transferred and include identification of each individual in the chain of custody.

Civilian Drug Testing Program Manager

The individual who is responsible for implementing, operating, and monitoring the Civilian Drug-free Workplace Program.

Confirmation

The process of using an analytical procedure to identify the presence of a specific drug or metabolite that is independent of the initial test and which uses a different analytical technique and chemical principle from that of the initial test in order to ensure reliability and accuracy.

Crewmember

An individual who is on board a vessel acting under the authority of a credential issued under the USCG, whether or not the individual is a member of the vessel's crew.

Dilute Specimen

A urine specimen with creatinine and specific gravity values that are lower than expected but are still within the physiologically producible ranges of human urine.

District/Field Operating Activity Drug Test Coordinator (District/FOA DTC)

The person responsible for the administration of the drug-testing program at the District or FOA level. Duties include arranging for the collection of specimens and notifying supervisors when employees are selected for testing.

Division/Major Subordinate Command Drug Test Coordinator (Division/MSD DTC)

The person responsible for the administration of the drug-testing program at the Division/MSD level. Duties include maintenance of the TDP roster and random selection of employees for testing.

Drug Abuse

The use or possession of controlled substances, or illegal drugs, or the nonmedical or improper use of other drugs (for example, prescription and over the counter drugs) that are packaged with a recommended safe dosage. This includes the use of substances for other than their intended use (for example, glue and gasoline fume sniffing or steroid use for other than which is specifically prescribed by a competent medical authority.)

Drug Testing Pool

All TDP employees within a particular Division/MSC (or equivalent). Names of employees from the pool are randomly selected for testing.

Employee Assistance Program (EAP)

DoD Component-based counseling program that offers assessment, short-term counseling, and referral services for Federal civilian employees for a wide range of drug, alcohol, and mental health problems that affect employee job performance.

Employee Assistance Program (EAP) Provider

The individual who conducts diagnostic interviews and makes referrals to community resources. EAP services are provided by in-house resources, contract personnel, or through a consortium of Federal agencies.

Evidentiary Breath Testing Device (EBT)

A device approved by the National Highway Traffic Safety Administration for the evidentiary testing of breath and placed on the National Highway Traffic Safety Administration's "Conforming Products List (CPL) of Evidentiary Breath Measurement Devices."

Follow-up Testing

Unannounced testing that may be administered during or after counseling or rehabilitation. It is not to be confused with testing which is undertaken as part of rehabilitation or counseling (i.e., rehabilitation testing). Only verified results of follow-up testing may be used to support an adverse action.

Initial Test

A screening test to identify those specimens that are negative for the presence of drugs or their metabolites. When negative, these specimens need no further examination and need not undergo a more costly confirmation test.

Invalid Result

The result reported by an analytical laboratory consistent with the criteria established in Reference 1-6.n., when a positive, negative, adulterated, or substituted result cannot be established for a specific drug or specimen validity test.

Medical Evaluation

Examination of an individual by a physician to determine whether there is evidence of alcohol or other drug abuse or dependency.

Medical Review Officer (MRO)

A licensed physician responsible for receiving laboratory results generated from a drug test that has knowledge of substance abuse disorders and has the appropriate medical training to interpret and evaluate employee/applicant confirmed positive test results together with their medical histories and any other relevant biomedical information.

Negative Dilute Test

The result reported when a specimen contains a drug or drug metabolite less than the cutoff concentration published in Reference 1-6.n., but with creatinine and specific gravity values that are lower than expected for human urine. The MRO will normally direct the agency to immediately collect another specimen from the donor without direct observation.

Positive Drug Test.

The result reported when a specimen contains a drug or drug metabolite equal to or greater than the cutoff concentration published in Reference 1-6.n., and the donor is unable to provide a legitimate medical explanation to the MRO.

Positive Dilute Test

The result reported when a specimen contains a drug or drug metabolite greater than or equal to the cutoff concentration published in Reference 1-6.n.h., but with creatinine and specific gravity values that are lower than expected for human urine, and the donor is unable to provide a legitimate medical explanation to the MRO. The MRO will report the result as "Positive dilute" to the Federal agency, and will normally recommend immediate collection of another specimen with direct observation.

Random Testing

A scientifically valid system of selecting a portion of a command for drug testing without individualized suspicion that a particular individual is using illicit drugs. Each civilian employee in a testing designated position will have an equal chance of being selected for drug testing each time this type of inspection is conducted.

Reasonable Suspicion

An articulable belief that an employee uses illegal drugs or misuses alcohol drawn from specific and particularized facts and reasonable inferences from those facts.

Refusal To Test (Alcohol or Controlled Substance Test)

Any of the following will result in the MRO's reporting "Refusal to Test" and is equivalent to a verified positive test result for alcohol or illegal drug use:

- a. If a donor fails to report for specimen collection as directed, refuses to furnish a urine specimen, refuses to show the specimen collector the items in his or her pockets, or declines to permit a collection to be directly observed when required.
- b. If a donor provides less specimen than 45 ml and the MRO determines that there is not an adequate basis for determining that a medical condition has precluded the employee from providing a sufficient amount of urine.
- c. If a donor provides no legitimate medical explanation for an adulterated or substituted specimen.

Rejected For Testing

The result reported when no tests are performed for a specimen because of a fatal flaw or an unrecovered correctable error (as described in Reference 1-6.n.) The MRO reports the test as canceled and directs the agency to collect another specimen from the donor. The MRO will recommend whether or not an observed collection is required.

Sensitive Position

Any position within DA in which the occupant could cause, by virtue of the nature of the position, a materially adverse effect on the national security.

Split Specimen

An additional specimen is collected with the original specimen to be tested in the event the original specimen tests positive.

Substituted Specimen

A specimen that results when something other than human urine has been submitted as the donor's collected sample. The MRO will contact the donor to determine if he/she has a valid medical explanation for the substituted result. If the medical explanation for the substituted result appears to be legitimate, the MRO will report a negative result. If the donor has no legitimate medical explanation, the MRO will report a refusal to test (substituted).

Testing Designated Position (TDP)

A DA employee who holds a position identified by the Army, DOT, or USCG as having critical safety or security responsibilities related to the Army mission.

Testing Designated Position (TDP) Roster

A list of TDP employees within a division or other designated organization(s).

Verified Positive Test Result

A positive test result for which the MRO determines there is no medical justification.