Marketing and Regulatory Programs

DRUG FREE WORKPLACE PROGRAM
MPR 4792

Animal and Plant Health Inspection Service (APHIS)

Agricultural Marketing Service (AMS)

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ISSUANCE CHANGE 1 (JUNE 17, 2010)

1. What is The Purpose of the MRP Drug Free Workplace Program?

The purpose of this Handbook is to provide the policies and procedures for the MRP drug free workplace program for APHIS employees, both nationally and internationally.

MRP has a responsibility to provide a safe and secure environment for employees. To ensure that such an environment exists, MRP implemented a drug free workplace program which prohibits the possession or use of illegal drugs in the workplace. MRP will identify illegal drug and alcohol use through drug testing on a carefully controlled and monitored basis.

MRP is committed to providing a safe, efficient, and productive work environment for all employees. Using or being under the influence of drugs or alcohol on the job may pose serious safety and health risks. To help ensure a safe and healthful working environment, job applicants and employees will be asked to provide a collection sample (urine) to determine the illicit or illegal use of drugs. Refusal to submit to drug testing may result in denial of employment for job applicants and employees will face disciplinary action, which can include termination of employment.

2. What Authorizes the Drug Free Workplace Program?

On September 15, 1986, the President signed Executive Order (E.O.) 12564, Drug-Free Federal Workplace, establishing the goal of a drug-free workplace in the Federal government. The E.O. recognized that illegal drug use is seriously impairing a portion of the national workforce, resulting in the loss of billions of dollars each year The E.O. made it a condition of employment for all Federal employees to refrain from using illegal drugs on or off-duty, and required all Federal agencies to implement a drug-free workplace program.

On July 11, 1987, legislation was signed implementing the E.O. under Section 503 of the Supplemental Appropriations Act of 1987, Public Law (P.L.) 100-71, 101 Stat. 391, 468-471, codified at 5 U.S.C. Section 7301 (referred to as the "Act").

The Secretary of Agriculture expressed the support of the United States Department of Agriculture (USDA) for a Drug-Free Federal Workplace on October 10, 1986. USDA is concerned with the well-being of its employees, the successful accomplishment of agency missions, and the need to maintain employee productivity. The intent of the policy is to offer a helping hand to those who need it, while sending a clear message that any illegal drug use is, quite simply, incompatible with Federal service.

This plan includes the Department of Transportation (DOT) requirements for employees with commercial drivers licenses (CDL). DOT guidelines require all drivers with a CDL to be periodically tested for alcohol and drug use.

3. What is the MRP Policy on Drug Testing?

A. It is MRP policy to provide a drug-free, healthful, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their job in a satisfactory manner.

B. While on MRP premises and while conducting business-related activities off MRP premises (including leased property and Government vehicles), no employee may use, possess, distribute, sell, or be under the influence of illegal drugs. The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace.

C. Violations of this policy may lead to disciplinary action, up to and including immediate termination of employment, and/or required participation in a substance abuse rehabilitation or treatment program. Such violations may also have legal consequences.

D. Employees with drug problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take time off to participate in a rehabilitation or treatment program through their health insurance benefit coverage. Annual and sick leave or leave without pay (LWOP) may be granted if:

(1) The employee agrees to abstain from use of the problem substance;

(2) The employee abides by all MRP policies, rules, and prohibitions relating to conduct in the workplace; and

(3) Approval of the leave will not cause MRP any undue hardship.

E. MRP employees will be tested for the presence of marijuana, cocaine, opiates, amphetamines, and phencyclidines (PCP). Employees being tested for reasonable suspicion can be tested for any drug in Schedule I or II of the Controlled Substances Act.

F. MRP will provide supervisory training and employee education on alcohol and drug use and abuse, and the impact on the work environment.

4. Who is Subject to Testing?

Based on the E.O., employees who occupy safety sensitive positions are required to be tested. USDA has identified positions believed to be safety sensitive, as shown in Table 1, Designated Testing Positions. Some of these positions are subject to new applicant testing, and all positions are subject to random drug testing.

Employees who have a change in status, i.e., their position is classified as top secret, will receive an individual notice informing them of the Drug Free Workplace Program and its requirements (see Table 2).

Table 1

MRP Drug Free Workplace Program

Drug Testing Job Series

			Subject to Random Testing	
Title	**Series**	**Subject to Applicant Testing**	**APHIS**	**AMS**
Administrator/Agency Head			x	x
Aircraft Mechanic	GS-1670, WG-8853	x	x	
Aircraft Operator	AD-404, GS-486 GS-2181, GM-2150	x	x	
Boat Operator	WG-5723	x	x	
Criminal Investigator	GS-1811	x	x	x
Drug Free Workplace Program Personnel	All		x	
Employees Authorized to Carry Firearms	All	x	x	
Employees with Top Secret Security Clearances	All		x	x
Veterinary Services - FADDL Bio-containment Laboratories	All	x	x	
Health Technician	All	x	x	
Motor Vehicle Operator	WG-5703	x	x	x
Personnel with Access to Controlled Substances	All		x	
Presidential Appointees	All		x	x
Special Sensitive Positions	All		x	x
Commercial Drivers License	All	x	x	x

5. What are the Responsibilities of MRP Management and Employees under the MRP Drug Free Workplace Program?

A. The **APHIS Administrator** must:

(1) Designate, in writing, to the Director, USDA Office of Human Capital Management (OHCM), Quality Worklife Division (QWLD), that a workplace program is established and implemented in the respective agencies.

(2) Ensure that an Employee Assistance Program (EAP) Coordinator is appointed in APHIS and AMS, and that the EAP is implemented within the agency in accordance with this plan and other applicable laws, regulations, and guidelines.

(3) Make recommendations for additional job series to be included for applicant testing (if any) within MRP to the Assistant Secretary for Administration, through the APHIS Safety Health and Employee Wellness Branch.

(4) Make recommendations to the Director, USDA OHCM, QWLD, for exemption of positions from drug testing on the basis of hardship due to remote location, unavailability of onsite testing, or the lack of an appropriate site for the test to be administered, through the APHIS Safety Health and Employee Wellness Branch.

B. The **AMS and APHIS Deputy Administrators** must:

(1) Ensure that supervisory training and employee education on drug testing and illegal drug usage is delivered within their program units or divisions.

(2) Ensure that each program unit or division establishes a Drug Testing Contact (DTC) who is responsible for entering the drug testing requests, tracking, and following up on the requests. Entering a request takes only a few minutes and is done electronically by accessing the contractor's internet Web site.

C. The **MRP Agency Personnel Officer** must make determinations of reasonable suspicion and post accident/unsafe practice testing based on facts and circumstances that have been documented. This authority can only be re-delegated one level below the MRP HR Director.

D. The **MRP Drug Testing Liaison (DTL),** will:

(1) Coordinate the drug testing requests (new applicant, random, reasonable suspicion, post accident/unsafe practice and followup), with the selected USDA contractor and ensure that all notices are delivered to employees subject to random testing.

(2) Provide support to the Agency Heads.

(3) Forward notification of verified positive test results to the Employee Relations Staff.

(4) Establish a user ID and password for the DTC to schedule drug testing requests. The DTL will ensure that the DTC has a copy of the contractor access manual and basic instructions to access the system.

(5) Ensure that employees in the Designated Testing Positions receive a 30-day notification of drug testing requirements.

(6) Provide training for supervisors/managers covering the signs and symptoms of alcohol and drug use and abuse.

E. **Employee Relations Specialists (ERS)** will:

(1) After receiving notification from the DTL, inform and consult with supervisors and management on appropriate disciplinary actions for employees who have been identified with positive drug test results or employees who have refused to submit to testing.

(2) Initiate the appropriate disciplinary action as identified in Section 8 of this Handbook.

(3) Inform the DTL, in writing, of the disciplinary actions taken for employees who have been identified with positive drug test results.

(4) Provide supervisors with training and assistance on the disciplinary action process.

F. **Human Resources Staff** will:

(1) Provide employees who are applying for top secret security clearance, the Drug Testing Notification Form (see Table 2) which verifies the employee is aware of the drug testing requirements once top secret security clearance is obtained.

(2) Ensure that position descriptions and vacancy notices for E.O. series inform employees and new applicants that APHIS is a drug free workplace.

G. **EAP Coordinators** will:

(1) Implement the EAP within the agencies, ensuring that EAP services are available to all employees, and ensuring that supervisors and employees know how to access the program.

(2) Serve as liaison with the USDA EAP Coordinator to provide educational materials and training on illegal drugs to managers, supervisors, and employees.

(3) Coordinate with supervisors, the Employee Relations Staff (ERS), and union representatives on drug testing issues and EAP services that are available to employees with problems that may be related to illegal drug use.

Table 2

MRP Drug Free Workplace Program

Drug Testing Notification Form

On September 15, 1986, President Ronald Reagan signed Executive Order (E.O.) 12564, Drug-Free Federal Workplace, establishing the goal of a drug-free workplace in the Federal government. The E.O. made it a condition of employment for all Federal employees to refrain from using illegal drugs on or off-duty, and required all Federal agencies to implement a drug-free workplace program.

On October 10, 1986, the Secretary of Agriculture endorsed E.O. 12564 for a Drug-Free Federal Workplace. The United States Department of Agriculture (USDA) is concerned with the well-being of its employees; the successful accomplishment of agency missions; and the need to maintain employee productivity. The intent of the policy is to offer a helping hand to those who need it, while sending a clear message that illegal drug use is not acceptable.

The USDA Drug-Free Workplace Program includes random drug testing for employees whose positions are characterized by critical safety or security responsibilities as related to the mission of USDA. Furthermore, job functions associated with these positions that directly and immediately affect public health and safety, the protection of life and property, and law enforcement or national security require a drug-free environment.

All employees who occupy positions requiring a top secret security clearance are subject to random drug testing. Your signature acknowledges that you have received notification and understand you will now be subject to random drug testing conducted by USDA.

_____
Full Name (printed)

_____ _____
Signature Date

Return this form to:

Denise Patterson
MRP Drug Testing Liaison
USDA/MRP/APHIS/SHEWB
4700 River Road, Unit 124, 2A.02.46
Riverdale, MD 20737

H. **Supervisors** must:

(1) Ensure that new applicants in applicable drug testing series have testing conducted as soon as a position is offered with MRP.

(2) Ensure that employees have knowledge of EAP services and the toll free number.

(3) Refer an employee to the EAP for counseling and rehabilitation when an employee's test results are reported positive.

(4) Initiate procedures for reasonable suspicion or post-accident testing.

I. **Employees** must:

(1) Submit to drug testing as required.

(2) Participate in employee education when offered.

(3) Use the EAP services for counseling and rehabilitation referral for illegal drug use and alcohol abuse, if desired.

6. What are the Procedures for Drug Testing?

The MRP Drug Free Workplace program consists of several components of drug testing:

- Applicant testing;
- Random testing of employees in testing designated positions;
- Reasonable suspicion testing;
- Post-accident testing;
- Voluntary testing, and
- Followup. Procedures for each component vary; a brief description is provided below:

A. New Applicant Drug Testing. The MRP, in collaboration with the USDA, determined that certain positions with MRP are either safety or security sensitive positions. This means that if an employee who occupies a safety or security sensitive position used an illegal drug, the employee could jeopardize the safety or security of the employee, co-workers and the Agency. Table 1 identifies the title, job series, and agency with positions in these categories, and, if the positions require applicant testing.

Applicant testing can only be conducted when a job applicant has been offered a position with MRP. This is done to screen out potential drug problems before he/she enters the workplace. After an applicant has accepted the position and drug testing has occurred with negative results (no drug use detected), the applicant can be placed in the safety or security sensitive position.

(1) Supervisors/managers must contact the DTC after selecting an applicant who is in the designated series for drug testing. New applicants in the designated series must be drug tested before reporting to duty. The supervisor/manager must provide the DTC with the applicant's first and last name; last 5 digits of Social Security Number; and city, State, and zip code.

(2) The DTC will enter the request within 24 hours of receiving the information from the supervisor/manager into the contractor's Web site to request drug testing. Once a request has been entered, it can be tracked through the reports section in the Web site.

(3) When notifying the applicant, the DTC will advise the applicant of the opportunity to submit medical documentation that may support a legitimate use of a specified drug. Such information will be reviewed only by the contracted Medical Review Officer (MRO) to determine whether the individual is licitly using a controlled substance or otherwise illegal drug.

(4) The applicant must report to the collection site within 48 hours of being notified of employment. If an applicant fails to appear or refuses testing, he/she will not be extended an offer of employment. Attempts to alter or substitute the specimen are deemed a refusal to test.

(5) The DTL will contact the DTC and Human Resources with the applicant's test results. A final offer of employment will not be extended to any applicant with a positive result and the applicant may not reapply for any MRP position for 6 months.

(6) Detailed procedures for ordering new applicant tests can be found in Appendix E.

B. Random Drug Testing. USDA is required to randomly test ten percent of employees who are in E.O. Testing Designated Position. A random list is generated through the National Finance Center (NFC) Personnel database, and is distributed to each Agency DTL, on a monthly basis. When the DTL receives the list with the agencies' respective employees, the DTL will:

(1) Verify the list, ensuring that all applicants are within the designated series and not located internationally.

(2) Select a clinic for the employees to report for testing from the contractor's Web site.

(3) Send out notifications to supervisors/managers that employees have been selected for random drug testing, with the clinic location and phone number, and a deadline for testing to be completed.

(4) Work with the contractor to establish clinics within a 20 mile radius of all employees to be tested or closer when requested by supervisors/managers.

(5) Notify the USDA DFWP Program Manager of all employees deferred for testing and the reason for the deferment. An employee whose random drug test is deferred will be subject to unannounced testing within the following 60 days.

C. Reasonable Suspicion. The E.O. states that the determination for illegal drug use testing can be made on the "basis of any appropriate evidence, including direct observation, criminal conviction, administrative inquiry or the results of an authorized testing program." Reasonable suspicion must be clearly documented with written and factual evidence (mere "hunches" are not sufficient), before the MRP Human Resources Director can authorize testing. To ensure the safety of employees, Table 3 provides a checklist for supervisors and the ERS to utilize when an employee has been referred for reasonable suspicion. The DTL must order the test and coordinate with the testing contractor.

D. Accident/Unsafe Testing.

(1) The National Institute of Drug Abuse has found that users of illegal drugs have a higher incidence of accidents and injuries on the job. Therefore, the E.O. requires that accidents/unsafe practices resulting in death or personal injury, or resulting in damage to property in excess of $10,000 must be investigated. Additionally, the Federal Property Management Regulations state that all vehicle accidents must be investigated. Supervisors may obtain assistance for accident investigations from the MRP Safety, Health, and Employee Wellness Branch.

(2) If during an accident investigation, the supervisor determines that an employee has been negligent and at fault, causing injury, death, or property or equipment damage in excess of $10,000, the supervisor will request that the employee be tested for illegal drug use.

(3) The supervisor must submit all documentation to the ERS, who will forward it to the Personnel Officer to make a determination. Table 3 provides a checklist for supervisors to use when investigating an accident.

(4) It is imperative that the post accident/unsafe practice test be conducted within 32 hours, as some drugs only stay in the body for a limited time. If the employee is hospitalized, the contractor can contact the hospital and obtain collection.

E. Followup. Followup testing is conducted on employees who have positive random drug test results and have completed counseling/rehabilitation. Employees are subject to follow up unannounced testing for 2 years, for no more than 2 drug screens each year. If the employee at any time tests positive for drug use, the employee is subject to further disciplinary action, including removal from service.

F. Volunteer Drug Testing.

(1) Volunteers who wish to be tested must contact their supervisor/manager and request to complete the Drug Free Notification Form (see Table 2).

(2) The volunteer will complete and submit the form to the DTL who will notify personnel to change the employee's coding in the NFC database.

(3) The employee is now subject to random drug testing.

United States Department of Agriculture Marketing and Regulatory Programs	**Reasonable Suspicion and Post-Accident/Unsafe Practice Checklist**

Employee Name:	Date of Occurrence:
Location Address:	
Reporting Supervisor:	Phone Number:

According to USDA policy, before reasonable suspicion or post-accident/unsafe practice testing is conducted, the Director of Personnel must approve the procedure. To assist in the determination, please complete this entire form to record employee observed behavior. A supervisor who is trained in the signs and symptoms of substance use and abuse must make the observation. Supervisors are not trained to diagnose any condition, only to describe the employee's behavior.

Based on absorption and elimination rates of alcohol and drugs in the body, post-accident/unsafe practice testing must be conducted within 32 hours of the accident/incident.

Personnel Officer

This is to certify that I have reviewed the documentation on _____ submitted by
(Employee's Name)

_____ and _____.
(Supervisor's Name) (Employee Relations Specialist)

Based upon the review, I have determined that drug testing ☐ should ☐ should not be conducted for ☐ reasonable suspicion ☐ post accident/unsafe practice testing.

The employee must be notified of testing within 2 hours of signature of this form.

MRP Personnel Director:	Date:

Did the employee admit to using alcohol or drugs? ☐ Yes ☐ No

When:	What time:	Substance: ☐ Legal Employee Prescription ☐ Prescription Drug (not employee's) ☐ Illegal Substance ☐ Alcohol
How much:	Dosage:	Where taken: ☐ Home ☐ Work ☐ Other

Employee Behavior

1. Walking/Balance

☐ Stumbling	☐ Staggering	☐ Falling	☐ Unable to stand
☐ Swaying	☐ Unsteady	☐ Holding On	☐ Rigid
☐ Sagging at knees	☐ Feet wide apart	☐ Other	

2. Speech

☐ Shouting	☐ Whispering	☐ Slow	☐ Rambling
☐ Slurred	☐ Slobbering	☐ Incoherent	☐ Other

3. Actions

☐ Resisting communication	☐ Insulting	☐ Hostile	☐ Drowsy
☐ Unresponsive	☐ Using profanity	☐ Threatening	☐ Erratic
☐ Hyperactive	☐ Crying	☐ Indifferent	☐ Fighting/insubordinate
☐ Other			

4. Eyes

☐ Bloodshot	☐ Watery	☐ Dilated	☐ Glassy
☐ Droopy	☐ Closed	☐ Wearing sunglasses	☐ Other

5. Face

☐ Flushed	☐ Pale	☐ Sweaty	☐ Other

6. Appearance/Clothing

☐ Disheveled	☐ Messy	☐ Dirty	☐ Partially dressed
☐ Having odor	☐ Stains on clothing	☐ Other	

7. Breath

☐ Alcohol odor ☐ No alcohol odor ☐ Marijuana odor ☐ Pungent odor
☐ Other

8. Movements

☐ Fumbling ☐ Jerky ☐ Slow ☐ Nervous
☐ Hyperactive ☐ Exaggerated reflexes ☐ Nodding ☐ Body tremors
☐ Other

9. Eating/Chewing

☐ Candy ☐ Mints ☐ Gum ☐ Tobacco
☐ Other

Post-Accident/Incident Information

10. Accident/Incident Reports

Did employee receive a police citation? ☐ Yes ☐ No
If so, please attach.

Was a police report completed at the accident/incident scene? ☐ Yes ☐ No
If so, please provide report number.

Was an SF-91, Report of Motor Vehicle Accident, completed? ☐ Yes ☐ No
If so, please attach.

11. Injured at Accident/Incident Scene

Employee	Injured ☐ Yes ☐ No	Fatality ☐ Yes ☐ No	Medical Treatment ☐ Yes ☐ No
Passenger in Vehicle	Injured ☐ Yes ☐ No	Fatality ☐ Yes ☐ No	Medical Treatment ☐ Yes ☐ No
Other Vehicle Driver	Injured ☐ Yes ☐ No	Fatality ☐ Yes ☐ No	Medical Treatment ☐ Yes ☐ No
Other Vehicle Passenger	Injured ☐ Yes ☐ No	Fatality ☐ Yes ☐ No	Medical Treatment ☐ Yes ☐ No

12. Vehicle Damage

			Estimated Damage	
GOV	Car	☐ Yes ☐ No	☐ Under $10,000	☐ Over $10,000
	Truck	☐ Yes ☐ No	☐ Under $10,000	☐ Over $10,000
	ATV	☐ Yes ☐ No	☐ Under $10,000	☐ Over $10,000
	Aircraft	☐ Yes ☐ No	☐ Under $10,000	☐ Over $10,000
	Boat	☐ Yes ☐ No	☐ Under $10,000	☐ Over $10,000
POV	☐ Yes ☐ No		☐ Under $10,000	☐ Over $10,000
Other Vehicle	☐ Yes ☐ No		☐ Under $10,000	☐ Over $10,000
Property Damage	☐ Yes ☐ No		☐ Under $10,000	☐ Over $10,000

Description:

13. Pyrotechnics/Firearms

☐ A firearm discharged causing bodily injury or death to a person.
☐ A firearm discharged causing damage to Government or privately owned property.
☐ A firearm, accessories (e.g., scope, suppressor), or ammunition requiring repairs and/or replacement.
☐ Ammunition missing and/or damaged.

Witness Statement and Signature

Witness Factual Account of Accident/Incident (Additional sheets can be provided.)

Witness Signature:	Title:	Date:	Time:

Supervisor Statement and Signature

Supervisor Factual Account of Accident/Incident (Additional sheets can be provided.)

Supervisor Signature:	Title:	Date:	Time:

7. Is the Testing and Reporting Confidential?

A. All test results and counseling are protected under the provisions of the Privacy Act. This means that any samples, records, and counseling are considered confidential information and will be released to MRP personnel, when deemed necessary, as with positive drug test results.

B. All records and information on employees with positive test results will be maintained by the ERS as confidential records, and will be kept in a locked and secure area with access only by authorized staff. Records must be disposed of in accordance with the Records Management guidelines.

8. What Personnel Actions is an Employee Subject to for Refusal or Positive Test Results?

A. According to the E.O., employees should be referred to EAP for counseling and/or referral for rehabilitation. Employees who are found to be using illegal drugs and are referred to EAP, but do not obtain counseling or rehabilitation, and do not refrain from using illegal drugs, can be removed from Federal service.

B. Disciplinary action will be initiated against any employee found to use illegal drugs or refusing to submit to drug testing, with the exception of voluntary admissions. Disciplinary action will depend on the circumstances of each case, but will be consistent with the E.O. and the Civil Service Reform Act of 1978. Disciplinary action includes:

(1) Reprimanding the employee in writing.

(2) Placing the employee in enforced leave status.

(3) Suspending the employee without pay.

(4) Suspending the employee without pay until the employee successfully completes rehabilitation, or until it is determined that action other than suspension is more appropriate.

(5) Reducing the employee's grade or rate of pay.

(6) Reassigning the employee to another position if the employee is not performing essential duties of the current position.

(7) Removal from service. Employees can be removed from Federal service if they:

(a) Refuse to obtain counseling or rehabilitation,

(b) Continue to use illegal drugs after the first finding of illegal drug use,

(c) Refuse required testing,

(d) Attempt to alter or substitute specimens during collection, or

(e) Distribute or sell illegal drugs.

C. An employee who occupies a sensitive position may not be allowed to perform sensitive duty functions until counseling or rehabilitation has been successfully completed.

(1) Employees may be detailed to another position or may use annual or sick leave or LWOP.

(2) An employee can be allowed to return to work in a sensitive position if it will not endanger public health or safety, or national security. A written determination must be placed in the employee's personnel file clearly indicating the reason for returning to the position. Only the individuals identified in the table below have the authority to approve returning to work in a sensitive/top secret security position.

Re-appointment Authority	Positions
Secretary of Agriculture	Presidential Appointees
Assistant Secretary for Administration	Senior Executives
USDA Director, Office of Human Resources Management	Schedule C Employees and GS/GM/14 and above
Agency Head (cannot be re-delegated)	All other positions

9. What Resources are Available to Supervisors and Employees?

A. Employee Assistance Program (EAP).

MRP cares about the health and well-being of its employees and recognizes that a variety of personal problems can disrupt their personal and work lives. While many employees solve their problems either on their own or with the help of family and friends, sometimes employees need professional assistance and advice.

Through the EAP, MRP provides confidential access to professional counseling services for help in confronting such personal problems as alcohol and other substance abuse, marital and family difficulties, financial or legal troubles, and emotional distress. The EAP is available to all employees and their immediate family members offering problem assessment, short-term counseling, and referral to appropriate community and private services.

The EAP is strictly confidential and is designed to safeguard employees' privacy and rights. Personal information concerning employee participation in the EAP is maintained in a confidential manner. No information related to an employee's

participation in the program is entered into the personnel file. Information given to the EAP counselor may be released only if requested by the employee, in writing.

There is no cost for employees to consult with an EAP counselor. If further counseling is necessary, the EAP counselor will outline community and private services available. The counselor will also let employees know whether any costs associated with private services may be covered by their health insurance plan. Costs that are not covered are the responsibility of employees.

Supervisors may grant employees 1 hour of administrative leave during the initial assessment and referral phase of counseling, which cannot exceed 6 visits and 12 hours of administrative leave. The supervisor can use his/her discretion to allow employees an additional hour of travel time (½ hour to and from the counseling session).

B. Supervisory Training.

Supervisory training is required within 2 years of implementation of this program. Supervisors must be provided with information about drug and alcohol use and abuse, EAP, and how to recognize and address illegal drug use. The training can be conducted by EAP, the DTL, and/or Human Resources Staff and must include the following areas:

(1) EAP and DTL.

(a) Signs and symptoms of alcohol and drug use and abuse.

(b) How to recognize employees with possible problems and treatment alternatives.

(c) The roles of medical staff, supervisors, and EAP.

(d) Reintegration of employees into the workforce.

(e) Written materials that can be used at the worksite.

(f) EAP pamphlets and wallet cards.

(2) Human Resources Staff.

(a) How to document employee performance/behavior.

(b) How to approach the problems and the employee.

(c) How to initiate disciplinary action.

(d) How to arrange for details from sensitive positions.

C. Employee Education.

(1) The DTCs are responsible for providing employee education within the program unit, at least quarterly, to employees subject to drug testing. To the greatest extent possible, employee education should be made available to all employees, as they are subject to post-accident testing and reasonable suspicion. The DTC should contact the DTL for assistance and can schedule training sessions through the EAP. The employee education should cover:

(a) Types and effects of drugs;

(b) Symptoms of drug use and the effects on performance and conduct;

(c) Relationship of EAP to the drug testing program; and

(d) Treatment, rehabilitation, and confidentiality issues.

(2) Employee education can be conducted in several ways. Approved training methods are:

(a) Lunch time employee forums;

(b) Employee Drug Awareness Days;

(c) Videotapes, DVD's, or other multimedia;

(d) Distribution of written materials;

(e) Formal training sessions; and

(f) Self-directed internet/intranet training courses.

10. How is the Agency Billed for Drug Testing?

USDA has an interagency agreement with the Department of Interior, to "ride" on the established contracts with a private corporation that provides drug testing collection sites, analysis of findings, and reports.

The contractors bill USDA for collection kits and analysis and DOI bills USDA an administrative fee to ride the contracts. These costs are charged back to the USDA agencies through Greenbook billing.

11. If I Have More Questions on the MRP Drug Testing Program, Who Do I Contact?

Questions concerning this policy or its administration should be directed to the Drug Testing Liaison on 301-734-8350.

APPENDIX A

DEFINITIONS

Agency Personnel Officer. The Director, Human Resources, Human Resources Division, Marketing and Regulatory Programs Business Services. The Director, HRSEU, can re-delegate his/her authority one level below to a Personnel Officer.

Applicant. Any individual tentatively selected for employment with MRP in a Testing Designated Position or any individual within MRP tentatively selected for movement into a Testing Designated Position who has not, immediately prior to the selection, been subject to random testing.

Drug Testing Liaison (DTL). The person appointed to provide the liaison to the USDA DFWP Program Manager, with Agency Heads, supervisors, and employees of their agencies on the Drug-Free Workplace Program.

Drug Testing Contact. An employee who is responsible for entering new applicant drug testing requests, tracking and following up on the requests by using the established secure Web site, and for ensuring that employees in the required job series are trained on the drug free workplace requirements.

Employee Assistance Program (EAP). The MRP counseling program that offers assessment, short-term counseling, and referral services to employees for a wide range of drug, alcohol, and mental health problems; and monitors the progress of employees while in treatment.

Employee Assistance Program Coordinator. The individual designated in MRP to be responsible for implementing and operating the EAP within his/her agency.

Illegal Drug. A controlled substance as defined by section 802(6), Title 21,United States Code, the possession of which is unlawful under chapter 13 of that Title, unless possessed or used pursuant to a valid prescription or other lawful means.

Medical Review Officer (MRO). A licensed physician with appropriate medical training in substance abuse disorders to evaluate and interpret all positive test results received from the drug testing laboratory together with an individual's medical history and any other relevant biomedical information.

Random Testing. A system of drug testing imposed without individualized suspicion that a particular individual is using illegal drugs. Random testing may either be uniform unannounced testing of employees occupying Testing Designated Positions in a specified area, organizational element or position, or may be a statistically random sampling of a percentage of such employees based on a neutral criterion, such as social security numbers.

Sensitive Position. A position:

(1) Designated as Special-Sensitive, Critical-Sensitive, or Noncritical-Sensitive, or designated as sensitive in accordance with Executive Order (E.O.) No. 10450, as amended;

(2) In which employees have either been or will be granted access to classified information pursuant to a determination of trustworthiness under Section 4 of E.O. No. 12356;

(3) Filled by a Presidential appointment with the advice and consent of the Senate;

(4) Entailing law enforcement as defined in 5 U.S.C. Section 8331 (20) and 8401 (17); or

(5) Which the Secretary of Agriculture determines involves 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.

Supervisor. An employee who has the authority to hire, direct, assign, promote, reward, transfer, furlough, layoff, recall, suspend, discipline, or remove employees, to adjust their grievances, or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature, but requires the consistent exercise of independent judgment.

Testing Designated Position. A position within USDA which has been designated for random testing as identified in Appendix B.

Verified Positive Test Result. A test result that has been screened positive by a Food and Drug Administration approved immunoassay test, confirmed by a Gas Chromatography/ Mass Spectrometry assay, (or other confirmatory test approved by the Department of Health and Human Services (HHS), evaluated by the MRO, and which has been determined to be unjustifiable.

APPENDIX B

POSITION TITLES DESIGNATED FOR RANDOM TESTING

Agency Heads (Not subject to applicant testing).

Incumbents serve as the top cadre of management personnel of USDA in both career and non-career positions. They manage and supervise agencies of the Department, participate at the highest levels in policy formulation and direction, and make extremely complex and sensitive decisions requiring a high degree of public trust and confidence.

Drug usage could result in actions and decisions which could lead to a failure to implement laws and program delivery which could negatively impact the protection of life and property, public health and safety, or lead to the waste of public funds. This could lead to a loss of trust and confidence in USDA and the American Government by the public and foreign governments.

Aircraft Mechanic (GS-1670, WG-8852 or any other occupational series in which the incumbent may perform the duties described below) (Subject to applicant testing).

Incumbents are involved in the overhaul, installation, maintenance, modification, test and/or repair of aircraft systems, electronic equipment, instrumentation, flight control, and survival equipment. These duties require keen sensory perception and neuromuscular coordination. Incumbents must exercise sound judgment to ensure aircraft safety and operation.

Drug usage could result in loss of life, injury, or destruction of property. For example, if an aircraft mechanic failed to properly conduct pre-flight inspections, mechanical failure could cause a crash endangering the pilot, passengers, and other personnel on the ground and in the surrounding airspace.

Aircraft Operator (AD-404, GS-486, GS-2181, GM-2150 or any other occupational series in which the incumbent may perform the duties described below) (Subject to applicant testing).

Incumbents are required to operate aircraft used in agricultural programs for such purposes as crop spraying, fire fighting, insect control, animal damage control, and aerial surveillance and photography. Aircraft operators make critical judgments which are substantially more demanding than what would be required of operators of aircraft carrying only passengers. Flying in agricultural situations usually requires operating in and out of less developed airfields, over rural and mountainous terrain, and at low altitudes necessitating acute awareness and instantaneous decision making.

Drug usage produces diminished mental and neuromuscular coordination which could lead to the inability to properly operate the aircraft. Inability to properly operate aircraft could in turn result in the loss of life and damage to, or destruction of property. Drug usage could endanger the aircraft operator, as well as all other passengers and pilots in the airspace and personnel on the ground.

Boat Operator (WG-5723 or any other occupational series in which the incumbent may perform the duties described below) (Subject to applicant testing).

Incumbents are required to operate vessels which average approximately 30 feet in length. The vessels are used to move people, supplies, and equipment including high level State and Federal officials. Vehicles must be operated in a safe manner in order not to endanger lives or to risk loss of property.

Drug usage diminishes the mental and neuromuscular capacity necessary to operate vessels of this size. This, in turn, leads to the operator's inability to properly control the vessel leading to a possible loss of life, personal injury, or destruction of property.

Criminal Investigator (GS-1811) (Subject to applicant testing).

Incumbents perform, advise on, and administer investigations concerning suspected violations of Federal statutes and regulations. Close coordination must be maintained with U.S. attorneys, military security, and local, State, and Federal law enforcement officials. Incumbents interrogate witnesses and suspects, serve subpoenas, testify before grand juries, administer oaths, and conduct searches for physical and documentary evidence.

Some incumbents carry and use firearms in the performance of their duties. The conduct of these duties requires the highest level of personal integrity and credibility since it involves investigating and charging others who are accused of wrongdoing or violation of the law. These duties also require extensive exercise of sound personal judgment.

Drug usage could result in loss of life or injury and improper adjudication of criminal or administrative actions. For example, if criminal investigators fail to obtain key data, ascertain witness veracity, follow legal procedures, or execute rules of evidence properly, sensitive and costly investigations could be compromised. Additionally, improper or unauthorized use of weapons could result in a loss of life. The high level of personal integrity required of criminal investigators is inconsistent with the use of illegal drugs.

Drug-Free Workplace Program Personnel (Not subject to applicant testing).

Incumbents who hold the positions of EAP Program Manager and Agency Drug Testing Liaison are directly involved in the administration and day-to-day operation of the Drug-Free Workplace Program. As such, they are in positions having access to sensitive employee and drug testing program information.

Drug usage by the incumbents could result in incorrect decisions, embarrassment to USDA, or the release of information which could undermine the program. Therefore, the incumbents have a responsibility to demonstrate the absence of use of illegal drugs to maintain the credibility and employee confidence in the program.

Employees Authorized to Carry Firearms (Subject to applicant testing).

Incumbents preserve and protect Government employees and property. They also are authorized to carry firearms for self protection in remote locations such as in the U.S. forests.

Illegal drug use calls to doubt the integrity and credibility of the employee and his/her ability to perform his/her duties of protecting persons, property, or himself/herself. Drug usage produces diminished mental and neuromuscular capacity. This could lead to life-threatening lapses in judgment or ability.

Employees Required to have a Commercial Drivers License (CDL) (Subject to applicant drug testing - not applicant alcohol testing).

As required by the Department of Transportation (DOT) Regulations (49 CFR et al.), all applicants for and employees of positions in which they are required to have a CDL to perform their duties are subject to random alcohol and drug testing. See DOT Regulation 49 CFR et. al. for justification.

Employees stationed at Plum Island Animal Disease Center with special access to the biocontainment laboratories. (Subject to applicant testing).

Incumbents with special access to the biocontainment laboratories either work within the confines of the biocontainment laboratories, or have frequent access to the biocontainment laboratories, although their primary worksite may be in other buildings. This special access authorizes the incumbents to move freely without supervision or escort throughout the entire biocontainment facility (approximately 250,000 sq. ft. of laboratory/mechanical space and animal rooms), which allows them access to dangerous and exotic disease agents which pose a high individual risk of life-threatening disease. United States law mandates that certain etiologic microorganisms which are foreign to the United States may be studied only at the Plum Island Animal Disease Center. The microorganisms included exhibit varying degrees of pathogenicity/infectivity for man (in some cases unknown). The risk of extensive damage to the United States livestock industry by exposure to these disease agents is extremely high.

Drug use could result in accidental or deliberate violation of biological safety regulations and procedures which could be potentially disastrous to human safety and economic welfare of the United States.

Employees with Top Secret Security Clearances (Not subject to applicant testing).

Incumbents have access to national security information with Top Secret classification, serve in sensitive Foreign Service or overseas positions which require a Top Secret security clearance, or are involved in duties demanding the highest degree of public trust.

Drug usage could result in inability to properly perform the duties of their positions, indiscretions while under the influence of drugs, or susceptibility to financial considerations which could cause an incumbent to be susceptible to releasing classified information or otherwise compromising national security for personal gain.

Motor Vehicle Operator (WG-5703) (Subject to applicant testing).

Incumbents operate motor vehicles such as buses, trucks, passenger vans, and other passenger carrying vehicles as their predominant duty and responsibility. The vehicles are used to move people and equipment including providing chauffeur services to high level officials. Vehicles must be operated in a safe manner to avoid endangering the lives of the public or passengers, or risking the loss of property.

Drug usage produces diminished mental and neuromuscular capacity. This could in turn lead to the operator's inability to properly control the vehicle, leading to the possible loss of life, personal injury, or destruction of property. For example, if the driver of a passenger carrying shuttle failed to notice a traffic light, death or serious injury could result to USDA employees and the general public. The use of illegal drugs is therefore inconsistent with the responsibility of safe vehicle operation.

Other Personnel With Access to Controlled Substances (Not subject to applicant testing).

Incumbents have access to controlled substances. As a result, incumbents must maintain the highest level of personal integrity in order that full confidence can be placed in the integrity of the agency.

Drug abuse could result in diminished mental capacity, or personal use of the controlled substance to which incumbents have access. Additionally, incumbents who are drug users are highly vulnerable to extortion, which could result in the unauthorized release of these substances.

Presidential Appointees (Not subject to applicant testing).

These are individuals appointed by the President with the advice and consent of the Senate. They serve the American public in the highest levels of the Department in positions such as Secretary of Agriculture, Deputy Secretary of Agriculture, assistant and under Secretaries, and agency heads. They participate with the President and the Congress in developing public policy in the many areas within the scope of USDA, make the most complex and sensitive decisions, and require the highest degree of public trust and confidence.

Drug usage could result in loss of trust and confidence by the American public and governments throughout the world. In addition, drug usage by incumbents in these positions will have a direct and negative affect on USDA and the Federal Government, national security, and the efficiency, effectiveness, and cost of USDA programs.

Special-Sensitive Positions (Not subject to applicant testing).

Incumbents of these positions are designated as such under criteria of the Federal Personnel Manual, Chapters 731 and 732. Individuals serve in positions of the highest level of sensitivity with the potential for greatest degree of damage to the national security. Most occupants of these positions require access to Top Secret national security

information in accordance with E.O. 10450, or access to sensitive compartmented information under authority of Director of Central Intelligence Handbook No. 1/14. These positions also include any Automated Dated Processing (ADP)-Computer position that meets the above criteria or is determined by the head of a USDA agency to impose a risk in terms of ADP-Computer security above that at the critical-sensitive level.

Incumbents are in positions that have potential for inestimable impact involving duties especially critical to the agency mission. They have broad scope and authority (e.g., overall direction of a major Federal program) or other extremely important responsibilities which affect the overall efficiency of the service.

Drug usage could result in inability to properly perform the duties of their positions or indiscretions while under the influence of drugs. Drug usage could cause incumbents to be subject to increased financial need which may cause them to be susceptible to compromising national security information or otherwise compromising national security for personal use.

APPENDIX C

MRP Drug Free Workplace Program
Random Drug Testing

Checklist for Supervisors

- ❑ The names of your employees who have been selected for random drug testing under the Drug Free Workplace Program are provided. This information is confidential. This list also contains the name, address, and phone number of the collection site where these employees are to report.

- ❑ Prior to sending the employee for collection, contact the collection site and schedule the date and time of the employee's collection. Identify yourself and the employee(s) being tested as Department of Agriculture employees and indicate that the supplies for the collection were provided by contract through the Department of Interior.

- ❑ The collection will be performed by a Government contractor, who will ensure the process
is properly administered.

- ❑ The following procedures should be followed when notifying employee(s) of the collection process:

  - ❑ Approximately 2 hours prior to the actual collection, inform the employee verbally, and privately, that he/she has been identified through a random selection process for drug testing urinalysis. Clearly inform the employee as to the time and exact location to report for testing and instruct him/her to take photo identification.

  - ❑ Give the employee the attached Checklist for Employees. This provides the employee with helpful information about the collection process.

  - ❑ Advise the employee to be prepared to provide a urine specimen at the scheduled time. If an employee is unable to provide a sufficient quantity of urine, he/she will be given a reasonable period of time to provide a specimen by the collection site. As a general rule, the employee will be allowed to drink a reasonable amount of fluid distributed through a period of up to 3 hours, or until the employee has provided sufficient amount of urine, whichever occurs first. Failure to do so will be presumed to be a refusal to take the test and a proposal for removal will result, unless satisfactory medical documentation is furnished to support his/her actions.

- When an employee selected for random testing is unavailable for legitimate reasons (e.g., working different shift, travel leave) you must notify the Agency Drug Testing Liaison, on 301-734-8350. An employee whose random drug test is deferred will be subject to an unannounced test within the following 60 days.

- In no instance will an employee not identified on the official test list maintained by the DTL during collection be tested. Do not make any unilateral changes.

- An employee who fails to appear for testing and has not been deferred will be considered as having refused to participate in testing and will be subject to a proposal for removal from service.

- Immediately report any problems encountered during employee notification to the DTL. Employees who fail to cooperate with the collection procedures will be subject to disciplinary actions consistent with the Department's Plan for a Drug Free Workplace.

- If you have any questions or concerns, you should share them with the DTL at:

  USDA/APHIS/SHEWB

  ATTN: Drug Free Workplace Program Manager

  4700 River Road, Unit 124

  Riverdale, MD 20737
  301-734-8350

  301-734-7828 (FAX)

APPENDIX D

MRP Drug Free Workplace Program
Random Drug Testing

Checklist for Employees

You have been identified through a process of random selection for drug testing by urinalysis. Please be assured that your selection and the selection of other employees in your agency for such drug testing in to way reflects that the agency has any specific cause to suspect the usage of illegal drugs. Please take a few minutes to read the following information which describes your role in the collection process.

- ❒ Please arrive at the collection site on time.

- ❒ Collection site personnel will ask you to verify your social security number and provide a photo ID such as a driver's license or agency badge. Collection site personnel are required to contact USDA for guidance if proper identification is not obtained. You will be asked to verify your social security number and provide your initials/signature at several stages throughout the collection process. These precautions are for your protection and will help ensure that all specimens are labeled correctly.

- ❒ Collection site procedures will be explained by a technician. Personnel will also be available to answer questions you might have or they will refer you to the appropriate individual from your agency.

- ❒ You will be asked to remove outer garments such as overcoats and suit jackets. You may not take a carrying bag into the collection room, but you may take your wallet with you.

- ❒ Your technician will provide you with a sample collection container and instructions.

- ❒ You must wash and dry your hands before entering the collection room.

- ❒ Unless otherwise directed by the agency, you may provide the specimen in the privacy of a stall or otherwise partitioned area that allows for individual privacy. It will be necessary for you to provide a specimen of at least 30 milliliters for the agency sample. If you are unable to provide a sufficient quantity, you will be given a reasonable period of time to provide an adequate specimen. As a general rule, you will be provided water to drink and allowed until the end of your day's tour of duty (or a reasonable period of time if this is inappropriate) to supply a sample. Failure to do so will be presumed to be a refusal to take the test and a proposal for removal will result, unless satisfactory medical documentation is furnished to support the inability to supply the sample.

- ❒ <u>Do not</u> flush the toilet at any time while you are in the collection process.

- ❒ You will give the collection container to the technician who, after checking the temperature (within 4 minutes of collection) and general appearance of the sample, will transfer the sample to a sealed shipping bottle. If the temperature reading is found to

be outside the acceptable range (90 - 100 F) you may request that the collector take an oral temperature. The technician will tighten the bottle cap and place the prepared evidence tape over the cap and down the sides of the bottle. You should then initial the seal and the label confirming that it is your sample in the bottle and that the social security number and other information is correct. You must observe this process continuously.

- ❒ If the collector has reason to believe that the urine specimen has been altered or substituted, he/she will notify a higher level supervisor. Should you tamper, adulterate, or in any other manner attempt to alter the specimen, the collector will request authorization from your agency to collect a second specimen under direct observation by a same gender collection site individual. Both specimens will be sent to the laboratory for analysis.

- ❒ You may then wash your hands.

- ❒ You may elect to have a second sample collected at the same time as the USDA sample and have it submitted by the sample collector to the Department's contract laboratory for storage. The collection site personnel will assist you in this determination.

- ❒ Failure to appear for testing without a deferral from your supervisor and the USDA Director, Safety Health and Employee Welfare Division, will be considered a refusal to participate in testing, and will result in a proposal for removal from the Federal service. Additionally, failure to cooperate with the collection procedures will result in disciplinary action consistent with the Department's Plan for a Drug Free Workplace.

- ❒ If you have any questions or concerns, you should share them with the Drug Testing Liaison:

USDA/MRP/SHEWB
ATTN: Drug Free Workplace Program Manager
4700 River Road, Unit 124
Riverdale, MD 20737
(301) 734-8350
(301) 734-7828 (FAX)

APPENDIX E

MRP Standard Operating Procedures

for

New Applicant Drug Testing

1. Before reporting to duty, all new applicants (NA) in the following job series must be drug tested before reporting to duty with negative test results. New applicants include seasonal and intermittent employees who have not worked for the agency for 6 months or more. Permanent seasonal employees may report to duty prior to having drug testing conducted. However, testing must be conducted within the first week that the employee has returned to duty.

Title	Series
Aircraft Mechanic	GS-1670 WG-8853
Aircraft Operator	GS-2181 GM-2150
Boat Operator	WG-5723
Criminal Investigator	GS-1811
Employees Authorized to Carry Firearms	All
Employees with access to Plum Island Biocontainment Laboratories	All
Employees Required to Have a Commercial Drivers License	All

2. For each NA drug test you will need the following information to request a drug test:

   Employee's Full Name
   Social Security Number (last 5 digits)
   City, State and Zip Code

3. To request a drug test, the following Drug Free Workplace Program (DFWP) point of contacts (POC) (see Drug Free Workplace Point of Contacts, below) have access to a Web page to request drug testing. If they are not within your State, you can contact Denise Patterson, Drug Free Workplace Program Manager (PM) at 301-734-8350, or for Wildlife Services, Carolyn Joyce, at 301-734-4890.

   Each POC has a unique ID and password which identifies him/her if the scheduling center has any problems contacting the NA or concerns with the entered data. The ID also determines the POC when reporting back test results.

After accessing the Pembrooke Web page, double click on "Test Scheduling," the icon located on the left hand menu.

- Double click "Customer Schedules Collection."
- Enter Social Security Number (SSN) (4 zeros and last 5 digits of SSN) and NA Name.
- Double click "Find Collection Site." You will now have to enter the city and State or zip code to find a clinic for the new applicant. Quest Laboratories is the preferred collection site as all collections are sent to Quest Labs for analysis.
- After a selection of clinics appears, click the "Site Code." Clicking this will automatically populate the Request Screen.
- In Comments, enter "2nd day delivery," to ensure prompt mailing of the collection kit to the clinic.
- Click "Submit." You have now entered the request and a message box will appear that the request has been submitted.
- Allow 48 hours for the test kit to arrive at the selected clinic and call to verify that the collection kit has arrived. If there are problems, use Pembrooke United Parcel Service tracking to determine date and time of delivery to the clinic and who signed for it.
- Once it has been determined that the collection kit is at the site, call the NA to inform him/her of the name and address of the collection site and that he/she has 48 hours to report to the site for the collection. Failure to do so will result in termination of job offer. (USDA regulations require the NA to report within 48 hours to decrease the likelihood of drugs being cleansed from his/her system.)
- Also instruct the NA to contact you after the testing is completed, so test results can be monitored.

4. The NA goes in for the drug test where he/she has a chance to declare on a chain of custody form if he/she is taking any medications (prescription or medication must be presented) or if there is any reason why he/she may test positive. A urine sample is collected which is forwarded to the contract lab (Quest) who analyzes the sample.

   The Medical Review Officer (MRO) reviews the final test results and pronounces the test as positive or negative. If the test results are positive, the MRO will contact the NA and ask if there is a bona-fide reason the test is positive. If the NA provides valid documentation for the positive finding, the test results are considered "false positive" and the NA may be hired. If valid documentation is not provided, the MRO pronounces the test as "Positive" and the NA may not be hired.

The PM will access Pembrooke's system daily to report test results to the requesting office. The PM will send a corresponding message to APHIS Human Resources Office (HRO) - Staffing, notifying them that the NA has completed drug testing and has tested negative or positive. HRO-Staffing will then complete the hiring process.

In the absence of the PM, Dr. Thomas R. Walker will report test results.

5. The entire drug testing process should not take longer than 10 business days. Billing for drug testing comes from the USDA Green Book account. NA and MRP programs are not charged directly for testing.

Drug Free Workplace Point of Contacts

Program	Last Name	First Name	State	Phone Number
APHIS Program Manager	Patterson	Denise	APHIS	301-734-8350
Veterinary Services	Smith	Deborah	TX	512-916-5553
	Pietig	Jo	NVSL	515-663-3247
Wildlife Services	Acors	Clarissa	VA	804-739-7739
	Altizer	Berta	OK	405-521-4039
	Amundson	Mariette	WI	608-837-2727
	Berg	Robin	WA	360-753-9884
	Brinegar	Sue	NWRC	970-266-6028
	Culver	Teres	NV	775-851-4848
	Cunningham	Chandra	WV	304-636-1785
	Davis	Joni	NE	402-434-2341
	Dixon	Donde	TX	210-472-5456 x246
	Dyer	Robin	ME	207-662-8263
	Dyer	Vielka	FL	352-377-5556
	Golden	Cherri	MS	662-325-3014
	Gomez	Becky	Pilots & Mechanics	970-494-7437
	Joyce	Carolyn	All WS	301-734-4890
	Kerber	Theresa	MD	410-349-8024
	Nichols	Amy	CO	303-236-5818
	Rayls	Christina	OR	503-326-2346
	Roberts	Vicky	MI	517-376-1928
	Rojo	Juan	HI & Guam	808-861-8575 x10
	Sargent	Arolyn	VT	603-223-6832
	Saunders	Catherine	NC	919-786-4480 x226
	Silva	Wendy	CA	916-979-2030 x100
	Stjeveland	Tharen	MO	573-499-3033
	Towell	Cheryl	IN	765-494-6229
	Vinson	Sandy	PA	717-236-9451
	Wanczyk	Dawn	MA	413-253-2403

APPENDIX F

Marketing and Regulatory Programs (MRP)
Drug Free Workplace Program (DFWP)

Reasonable Suspicion and Post-Accident Drug Testing

FACT SHEET

I think an employee is using drugs on the job. Can the employee be tested?

Testing may be required of any employee in any position where there is a reasonable suspicion of on-duty use or impairment, but must be clearly documented before an employee can be tested, to include written and factual evidence. The USDA and APHIS Drug Free Workplace Program states that the determination for illegal drug use testing is made on the basis of any appropriate evidence, including direct observation, criminal conviction, administrative inquiry, or the results of an authorized testing program. Testing can be conducted only after the MRP Personnel Officer reviews information collected from the supervisor, the Employee Relations Specialist, and the Agency Drug Testing Liaison.

I think an employee was using alcohol and/or drugs before his/her injury/accident occurred. What should I do?

Post accident/incident testing must be conducted within 32 hours of the accident/incident if any of the following conditions exists. If:

(1) There is over $10,000 damage to property;
(2) There are any fatalities; or if
(3) Medical treatment is sought by any of the accident/incident victims.

An accident/investigation report should also be conducted in accordance with the APHIS Safety and Health Manual. Immediately contact your respective Program Employee Relations Specialist as post-accident/incident testing is conducted after the MRP Personnel Officer reviews information collected from the supervisor, the Employee Relations Specialist, and the Agency Drug Testing Liaison.

How is Reasonable Suspicion or Post-Accident Testing conducted?

After the MRP Personnel Officer approves either Reasonable Suspicion or Post-Accident testing, the Agency Drug Testing Liaison will have a drug collection kit sent to the closest clinic or hospital to have the employee tested. The employee being tested may not drive to the testing location and should be transported to the clinic via taxicab, and not by other employees. An employee who refuses testing will be subject to disciplinary action.

What personnel actions are employees subject to for a positive drug test, or if the employee refuses to submit to drug testing?

Disciplinary action will be initiated against any employee found to use illegal drugs or refusing to submit to drug testing. An employee who is currently engaging in the illegal use of drugs is not protected from action by the employer. However, an employee may make use of the “safe harbor” admissions. Safe harbor admissions occur when an employee voluntarily discontinues use of illegal

drugs, obtains immediate counseling, and refrains from substance abuse. To clarify, if the employee engages in misconduct, then attempts to use the safe harbor provisions as a shield, the employee is not protected from disciplinary action; the safe harbor provision is intended to encourage voluntary admission and treatment. An employee who is found to be using illegal drugs is referred to the Employee Assistance Program (EAP). If the employee does not obtain counseling or rehabilitation and does not refrain from using illegal drugs, the employee can be removed from Federal service.

Supervisors are not trained in detecting substance abuse in the workplace. How can supervisors learn more about reasonable suspicion and post-accident testing?

Supervisors must be provided with information about drug and alcohol use and abuse, the EAP, and how to recognize and address illegal drug use. Additionally, supervisors must have one hour of training in both the signs and symptoms of alcohol and drug abuse to formally make a request for reasonable suspicion testing. Training is available through USDA Aglearn under the following course titles:

DOT Drug Testing Regulations for Supervisors
DOT Alcohol Testing Regulations for Supervisors

Where can I get more information?

If you need more information about the Drug Free Workplace program, you can:

(1) Download a copy of the MRP Drug Free Workplace Handbook.

(2) Call MRPBS Printing and Distribution at 301-734-5524 to request a copy of the Handbook; or

(3) Call the Drug Free Workplace Program Manager at 301-734-8350.