DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
1000 NAVY PENTAGON
WASHINGTON, D.C. 20350-1000

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MEMORANDUM FOR DISTRIBUTION

Subj: GENERAL NOTICE OF DRUG TESTING FOR NEW EMPLOYEES UNDER DEPARTMENT OF THE NAVY DRUG-FREE WORKPLACE PROGRAM

On September 15, 1986, President Reagan signed Executive Order 12564 establishing the goal of a Drug-Free Federal Workplace. The Executive Order made it a condition of employment for all Federal employees to refrain from using illegal drugs on or off duty. The Department of the Navy (DON) Drug-Free Workplace Program (DFWP), developed to implement the Order, is designed to accomplish these goals through deterrence, identification, rehabilitation, and personnel action. While the DON will assist employees with drug problems, it must be recognized that employees who use illegal drugs are primarily responsible for changing their own behavior and actions.

Illegal drug use by any civilian employee of the DON is incompatible with the maintenance of high standards of conduct and performance. Moreover, illegal drug use could adversely affect personnel safety, risk damage to government and personal property, and significantly impair day-to-day operations. The DON program is aimed at identifying illegal drug users in order to maintain a safe, secure workplace and efficient DON operation.

The determination that an employee uses illegal drugs may be made on the basis of direct observation, a criminal conviction, the employee's own admission, other appropriate administrative determination or by a confirmed positive drug test. The program subjects all civilian appropriated and non-appropriated fund employees to drug testing under the following conditions:

a. When there is a reasonable suspicion that the employee uses illegal drugs.

b. As part of an authorized examination regarding an accident or unsafe practice.

c. As a part of or as a follow-up to counseling or rehabilitation for illegal drug use.

In addition, certain employees occupying specifically designated sensitive positions within the DON will be subject to random drug testing. These are called Testing Designated Positions (TDPs).

a. Employees in this category will receive individual written notices that their positions have been included in the activity random testing pool at least 30 days prior to actual testing.

b. Employees selected for, or otherwise placed in, a test-designated position will be subject to a drug test prior to final selection/placement and to random testing thereafter.

c. Any employee can volunteer for random testing and will be included in the activity random testing pool.

All employees subject to testing shall be allowed to provide urine specimens in private except when there is reason to believe the specimen will be altered or substituted. The DON has developed strict chain-of-custody procedures to ensure proper identification of the specimen tested.

All specimens will be tested in certified laboratories following mandatory guidelines published by the Department of Health and Human Services as published in the Federal Register. A Medical Review Officer (MRO) will review all positive, non-negative, and negative test results. Employees will be given an opportunity to provide evidence to a MRO for verification of the legitimate use of over-the-counter or prescription drugs authorized by a physician or medical officer.

Drug test results will be handled in a confidential manner. Non-negative test results from the laboratory will only be disclosed to a MRO. Non-negative results, verified by the MRO, may only be disclosed to the employee, the activity Drug Program Coordinator, the appropriate Civilian Employee Assistance Program (CEAP) Administrator and appropriate supervisory/management officials necessary to process an administrative and/or adverse action against the employee, or to a court of law or administrative tribunal in any adverse personnel action.

Medical and rehabilitation records in the CEAP will be deemed confidential "patient" records and may not be disclosed without the prior written consent of the patient, an authorizing court order or otherwise as permitted by federal law.

The DON will not tolerate the use of illegal drugs. Employees of the DON having a substance abuse problem are encouraged to seek assistance through their activity CEAP. Such assistance may be obtained by contacting the activity CEAP administrator. Employees who voluntarily identify themselves to their supervisor or other appropriate management official as a user of illegal drugs, prior to being so identified by other means and who 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.

All employees are expected to refrain from illegal drug use. Disciplinary action up to and including removal from Federal service will be initiated for the first failure to remain drug-free. Removal action will be initiated for any employee upon a second positive test result, failing to refrain from illegal drug use after counseling and/or rehabilitation, altering or substituting a specimen, failure to report for testing or refusal to submit to a drug test.

This updated General Notice supersedes the DON General Notice of the Navy DWFP initially published on August 6, 1988, and does not affect the ability of activities/commands to continue to conduct drug testing.

William A. Navas Jr.
Assistant Secretary of the Navy
(Manpower and Reserve Affairs)

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