



DEPARTMENT OF THE NAVY
UNITED STATES NAVAL ACADEMY
ANNAPOLIS, MARYLAND 21402-5000

USNAINST 12792.1
24/CPD
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USNA INSTRUCTION 12792.1

From: Superintendent, United States Naval Academy

Subj: UNITED STATES NAVAL ACADEMY DRUG-FREE WORKPLACE PROGRAM

Ref: (a) CPI 792-3 (NOTAL)
(b) OPNAVINST 5355.4

1. Purpose. To implement the policy and procedures of the Department of the Navy (DON) Drug-Free Workplace Program (DFWP), reference (a), for civilian personnel at the Naval Academy.

2. Background. The basic requirements for a Federal drug-free work force were established by Executive Order 12564 and Public Law 100-71.

a. The Chief of Naval Operations (CNO) established standard procedures for CNO commands and activities as provided in reference (b).

b. Until further notice, DON will not conduct tests based on post-accident or unsafe practice. Therefore, any reference to post-accident, unsafe practice testing in reference (b) should be disregarded.

3. Coverage. This instruction applies to all employees and applicants of civilian positions of the Naval Academy and tenant activities.

4. Program Implementation

a. Drug Program Coordinator (DPC). Orrin Rodgers is appointed as the DPC. Mr. Rodgers is located in the Civilian Personnel Office in Halligan Hall and may be contacted on ext. 3388.

b. General Notice. All employees were advised by a General Notice from the Secretary of the Navy, dated 8 August 1988, that the DON was implementing drug testing as part of the DFWP.

c. Testing Designated Positions (TDPs) Establishment. Certain positions have been determined to be appropriate for random drug testing. These positions are considered as TDPs. The DON employees who occupy positions in the following categories are subject to random drug testing. They include:

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(1) All positions requiring a top secret clearance with access;

(2) Motor Vehicle Operator

(3) Security Guard (Guard)

(4) Police Officer

(5) Firefighter (structural)

(6) Detective.

d. Individual (30-Day) Notices. Employees who occupy positions identified as TDPs are subject to unannounced random testing. Employees in these positions are issued individual notices at least 30 days before the start of unannounced random testing.

e. Safe Harbor Provisions. The DON has adopted safe harbor provisions that allow immunity from discipline for admitted illegal drug use for any employee who:

(1) Voluntarily identifies himself or herself as an illegal user of drugs to a supervisor or other higher level management official prior to being identified through other means.

(2) Obtains counseling and rehabilitation through the Civilian Employee Assistance Program (CEAP).

(3) Agrees to be tested by the activity/command as a part of or as a follow up to counseling and rehabilitation.

(4) Consents, in writing, to the release to appropriate management and CEAP officials of all counseling and rehabilitation records related to the illegal use of drugs.

(5) Subsequently refrains from illegal drug use.

f. Voluntary Testing Program. Employees, who are not subject to random testing because of their position, may volunteer to be included in the TDP random testing program. An employee who volunteers to be included in the program should submit a written request to the DPC, Civilian Personnel Department. Appendix G of reference (b) contains a SAMPLE REQUEST AND ACKNOWLEDGEMENT MEMO for this purpose.

g. Applicant Testing. Any applicant, including a current employee, who tested positive for illegal drugs will not be considered for any vacancies (including TDPs) by the Naval Academy or any other activity/tenant command serviced by the

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Chief of Naval Operations for a period of six months from the date of the verified positive test.

h. Reasonable Suspicion Testing. Reasonable suspicion testing may be conducted on employees in Testing Designated Positions (TDPs) suspected of on-or off-duty drug use, possession, or physical symptoms of drug impairment. Employees in non-TDPs must be suspected of on-duty drug use or drug-impaired work to be tested under reasonable suspicion.

i. Tests Will Check for Evidence of Illegal Drug Use. DON is currently testing for five illegal drugs: marijuana, cocaine, opiates, amphetamines, and PCP. Testing will adhere to the Scientific and Technical Guidelines established by the Department of Health and Human Services for Federal drug testing. Collection of samples will conform to strict chain-of-custody procedures. Samples will be tested by the Navy's certified laboratory in Norfolk. A Federal Drug Administration (FDA) approved screening immunoassay test will be used. No test will be reported positive unless there has been a confirmation test by the highly sophisticated Gas Chromatography/Mass Spectrometry assay and the results have been reviewed by a Medical Review Officer (MRO).

j. Selection. A computer will automatically select the employee from a list of social security numbers. Only the last four digits will be used for the selection since the other numbers refer to the place of birth. The computer will generate random numbers and select the number from the list that most closely matches the chosen number. An employee who tampers with a specimen or refuses to be tested will be subject to disciplinary action.

k. Collection of Samples

(1) A Contract for urine collection was awarded by the Navy to Tracor Technology Resources, Inc. There will be privacy in the collection of samples, and confidentiality in the results. Collectors of both genders will be present to make collections. A collector of the same gender will accompany the employee; the collector will stand outside the booth and will listen. THE COLLECTOR WILL NOT ACCOMPANY the employee into the stall EXCEPT under certain clearly defined circumstances such as when the employee is a known user, is in treatment for the use of an illegal drug, or has been suspected of tampering with a sample. The DPC will notify the supervisor by telephone about an hour before the collection is to be made. The collections will be made in a rest room on the first deck of Dahlgren Hall. Collection-site personnel shall keep the individual's specimen bottle within sight both before and after the individual has provided the sample.

(2) After the specimen is collected, the individual being tested will certify that the sample is his/hers by initialing the

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label on the container. The individual will also observe the proper labeling and sealing of the container. An approved chain of custody form shall be used for maintaining control and accountability of each specimen. The date and purpose shall be documented on an approved chain of custody form each time a specimen is handled or transferred, and every individual in the chain, from collection through completion of testing, shall be identified. Every effort will be made to minimize the number of persons handling specimens. Test results are expected to be reported to the Medical Review Officer (MRO) within five work days after the specimen reaches the laboratory.

(3) If the collection procedures extend beyond the employee's regular shift, the DPC will assess the situation. The following options are available depending on the DPC's assessment and after discussing the situation with the employee's supervisor or higher level manager:

(a) The DPC may require the employee to remain at the collection site and pay overtime or give compensatory time as the situation may warrant. Up to one hour may be authorized for an employee who experiences problems providing a sample. Authorization for overtime/compensatory time will be per Naval Academy policy and procedures.

(b) The DPC may release the employee, which will not be considered the same as an approved deferral and will not trigger a requirement to test within 60 days.

1. Results. The results of a drug test of a Federal employee may not be disclosed without the prior written consent of such employee, unless the disclosure is:

(1) To the employee's medical review officer;

(2) To the administrator of any Civilian Employee Assistance Program (CEAP) in which the employee is receiving counseling or treatment or is otherwise participating;

(3) To any supervisory or management official within the employee's agency having authority to take adverse personnel action against such employee;

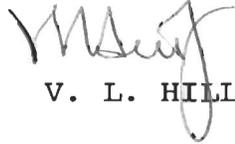
(4) Pursuant to the order of a court of competent jurisdiction or where required by the United States Government to defend against any challenge to any adverse personnel action.

m. Under the Executive Order, upon the first finding of positive illegal drug use, the CNO may choose from a number of disciplinary actions. These options range from a written reprimand to removal. The CNO will ensure a permanent disciplinary record exists in the file of an employee who is found to use illegal drugs. On a second finding of illegal drug use, removal is mandatory. Employees found to use illegal drugs

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normally will be referred to a Civilian Employee Assistance Program (CEAP). While rehabilitation is a significant aspect of the program, it is important to remember that the CNO may not allow an employee found to use illegal drugs to remain on duty in a TDP. Furthermore, it is likely to prove difficult, if not impossible, to find a position in this agency for an employee who has lost security access. If this is the case, the employee may be removed.



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Distribution:

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