Approved for Release
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DEPARTMENT OF COMMERCE
OFFICE OF HUMAN RESOURCES MANAGEMENT

HUMAN RESOURCES (HR) BULLETIN #170, FY13

SUBJECT: Revised Guidance for Drug Testing Coordinators, Principal Human Resources Managers (PHRMs), Servicing Human Resources Offices (SHROs), the Drug-Free Workplace Program Manager (DPM), and for Testing of Employees in Testing Designated Positions (TDPs)

EFFECTIVE DATE: Upon release of this HR Bulletin

EXPIRATION DATE: Upon cancellation or expiration of this bulletin

SUPERSEDES: This bulletin supersedes HR Bulletin #161 FY12, "Guidance for Drug Testing Coordinators, Principal Human Resources Managers (PHRMs), Servicing Human Resources Offices (SHROs), the Drug-Free Workplace Program Manager (DPM) and for Testing of Employees in Testing Designated Positions (TDPs)"

REVISIONS: This bulletin revises HR Bulletin #161, FY12 (January 9, 2013). It limits pre-appointment drug testing to only those applicants tentatively selected for a TDP. All vacancy announcements for a TDP must contain language indicating that a potential selectee for the vacancy must pass a pre-employment drug test before entering on duty and will be subject to future random drug testing. The mandatory requirement for all Schedule C applicants to take a pre-employment drug test, whether or not their tentative position is a TDP, has been revoked.

BACKGROUND: 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. In a letter to all executive branch employees on October 4, 1986, the President reiterated his goal of ensuring a safe and drug-free workplace for all Federal employees. On July 11, 1987, Congress passed Public Law 100-71, the Supplemental Appropriations Act of 1987. Section 503 of the Act (codified at Title 5, United States Code § 7301) implemented the Executive order. The Act establishes uniformity among Federal agencies' drug testing plans, reliable and accurate drug testing, employee access to drug testing records, confidentiality of drug testing results, and centralized oversight of the Federal Government's drug testing program.

The Executive order and the Act provide the basis for requiring drug testing of the Department of Commerce's (Department) employees who encumber TDPs.

PURPOSE: This bulletin provides additional guidance to the Department's Drug Program Coordinators (Coordinators), the DPM, the PHRMs, the SHROs, and employees in TDPs on:

1. The procedures for the designation of TDPs;

2. The obligations of the Coordinators concerning verification of TDPs;

3. Scheduling of random drug tests by the Coordinators for employees in TDPs;

4. Notification to the employees in TDPs (and their supervisors) selected for random tests, and the employees' obligations to report for the test in a timely manner; and

5. Reporting to the Department's DPM on the number of random tests, pre-employment tests, and other tests (reasonable suspicion, accident or practice testing, voluntary testing, and testing as part of or follow-up to counseling or rehabilitation).

POLICY: This policy supplements the Department's "Drug-Free Workplace Plan," and the Department's "Drug and Alcohol-Free Workplace Testing Guide."

The Coordinators shall assure all testing is conducted as authorized by the Department's Drug-Free Workplace Plan (Plan) and that all employees subject to random testing receive their individual 30-day advance notice memoranda. Coordinators are responsible for carrying out the Department's Plan at the SHRO level, and random drug testing is a critical part of the Plan. Executive Order 12564 (September 15, 1986) and Public Law 100-71 require drug testing of the Department's employees who encumber TDPs. Coordinators will schedule two rounds of random tests each year, notify supervisors in accordance with the following guidance and procedures, and submit required reports to the DPM.

PROCEDURES: The following procedures supplement the guidance in the Department's Drug and Alcohol-Free Testing Guide (Guide) and the Plan and represent additional policy on this subject.

1. Identification, selection, scheduling, and reporting of employees in TDPs for random testing:
   a. By October 15 of each fiscal year, the Coordinators **must** certify in writing to the DPM that their organization's designation of its TDPs conform to current guidelines issued by the Department of Health and Human Services' Interagency Coordinating Group Executive Committee (ICGEC).
   b. By the third week of October and April of each fiscal year, the DPM will obtain from the National Finance Center (NFC) a list of TDPs, including their position titles, names, pay system, grades, and duty stations.
   c. The DPM submits the TDP list obtained from NFC to the drug-testing contractor, using a secure method of transmitting Personally Identifiable Information (PII), and requests that a random selection of TDPs for testing be conducted, in accordance with the percentage set forth in the Plan.
   d. By October 31 and April 30 of each fiscal year, the DPM provides each organization the list of TDPs selected for random testing by the drug-testing contractor, using a secure method of transmitting PII.

e. The Coordinators will schedule and complete all random testing no later than one week before the end of Q2 and Q4 of the fiscal year.
f. The Coordinators will submit in writing to the DPM, by December 31, March 31, June 30, and September 30, the number of tests completed by category: (1) random, (2) pre-employment, and (3) other.

2. Pre-employment drug testing: As indicated on the vacancy announcement, an applicant tentatively selected for a TDP must pass a pre-employment drug test before he/she can enter on duty. The Coordinator may either schedule the pre-employment drug test through www.edrugtest.com (process explained below), or by contacting the Department of the Interior, National Business Center directly for a more expedited scheduling.

3. Providing 30-day advance notice to employees in TDPs:
   a. The Coordinator is responsible for preparing all 30-day advance notice memoranda for employees entering on duty to TDPs in their organizations.
   b. The SHRO will provide the employee with the 30-day advance notice memorandum and receive the employee's signature, acknowledging receipt of the memorandum, during the employee's orientation.

   Note: If an employee is currently entering a new/different TDP anywhere within the Department (e.g., via reassignment, promotion, conversion, change in sensitivity of position, etc.), the SHRO will provide the employee a new 30-day advance notice memorandum to acknowledge.

4. Scheduling TDPs for random testing: Coordinators will schedule the randomly selected employees for drug testing in accordance with the following guidance:
   a. To schedule the tests, the Coordinators access www.edrugtest.com and sign in, using their specific ID and password. Use "edrugtest.com" to schedule individual tests, **except** if testing a group of employees at one common site at the same time. (See Note below.)
   b. After signing in, on the left side of the screen, select "Test Scheduling."
   c. On the following screen, select "Customer Service Collection."
   d. On the next screen, supply the information for "Office, Donor ID" (use 0000 and the last 5 numbers of the employee's social security number), last and first names, and site code. To find the site code, click on "Find Collection Site" and follow the instructions.
   e. Call the site selected and confirm the date.
   f. Click on "Submit."
   g. Generate two copies of the Testing Information Form. (Coordinators will maintain one copy for the record, and provide the individual with the other copy.)

   Note: A Coordinator may schedule a group of employees for testing at a central location by coordinating the logistics with the drug-testing contractor ahead of time. Group testing usually requires 30 or more tests at one time to keep the cost of the tests reasonable.

5. Testing the employee:
   a. On the day of the test:
      1) No more than **three** hours before the test, the Coordinator will inform the employee's supervisor that the employee has been selected for testing.

2) No more than **two** hours before the test, the Coordinator will inform the employee of his/her selection for random testing and that the employee is to report immediately to the collection site. The Coordinator will provide the employee with a copy of the Testing Information Form, which contains the employee's name and the address of the testing site.

b. Failure by the employee to comply with the order to report for drug testing or failure to comply with any procedures during collection or testing may result in disciplinary action up to and including removal.

c. Contact the DPM if any problems are encountered.

REFERENCES:

- Department of Commerce's "Drug and Alcohol-Free Workplace Testing Guide," Section IV, Notification Procedures, pages 17-18
- Department of Commerce's "Drug-Free Workplace Plan," Section VII, Notice, pages 15-16 and Section IX, Random Testing, pages 19-20
- Executive Order 12564 (September 15, 1986)
- Section 503 of Public Law 100-71
- 2010 Guidance for Selection of Testing Designated Positions (ICGEC)

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