

DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY

DEPARTMENTAL PERSONNEL MANUAL SYSTEM

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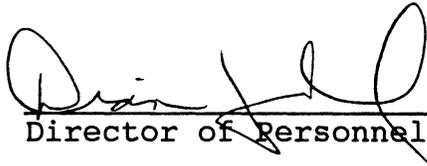
SUBJECT: Revised Notifications to Individuals
Subject to Pre-Employment/Pre-Appointment
Drug Testing

DATE: NOV 19 1990

Departmental Personnel Manual (DPM) Letter 300-16, which established the Department's policies and procedures on pre-employment and pre-appointment drug testing, also transmitted two notices which operating administrations are required to give to applicants or employees before they may be placed in Category I positions. Those notices have been revised to delete the references about listing medication on the Drug Testing Custody and Control Form.

Attached are the revised versions of the two notices, which should be used effective immediately. As with the previous versions, the notices are to be issued exactly as written, with no modifications to their content. There are no other changes to the requirements of DPM Letter 300-16.

Attachments


Director of Personnel

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U.S. Department of
Transportation

Office of the Secretary
of Transportation

Memorandum

Subject INFORMATION: Notice to Applicants and
Employees Subject to Pre-Employment/
Pre-Appointment and Random Drug Testing Date

From (Personnel Official) Reply to
Attn of

To (Applicant or Employee)

The purpose of this memorandum is to notify you of the drug testing requirements of the Department and the consequences of receiving a verified positive drug test result and/or not complying with collection procedures as set forth in U.S. Department of Transportation (DOT) Order, DOT 3910.1A, entitled "Drug-Free Departmental Workplace".

It is the policy of the Department to test all applicants and employees for illegal drug use prior to employment or appointment into critical safety and security positions as they relate to the transportation mission of the Department. The job functions associated with these positions have a direct impact on public health and safety, the protection of life and property, law enforcement, or national security ("Category I" positions). This policy applies to: all DOT employees currently serving in non-Category I positions who are tentatively selected for or are assigned to a Category I position; all other employees of the Federal Government who are tentatively selected for a Category I position; and all non-Federal employees who are tentatively selected for a Category I position.

The agency has determined that the position you have been tentatively selected for is a critical safety or security position. Consequently, you will be required to submit to a pre-employment/pre-appointment drug test before you can be appointed or assigned to the position.

Drug testing will be performed through urinalysis by an independent contract laboratory certified by the Federal Government. The testing methodology reflects the scientific and technical procedures necessary to ensure results are highly reliable and accurate. These procedures will include an initial screen for drugs and confirmation by gas chromatography/mass spectrometry. In addition, the laboratory is required to observe strict quality control procedures.

To ensure the sample taken from an individual is properly identified and not accidentally confused with any other sample, strict procedures will be used when collecting and transferring the sample. The total of these procedures is known as the chain of custody. All test results will be handled with maximum respect for individual confidentiality, consistent with safety and security. Confirmed positive test results reported by the laboratory will be reviewed by a DOT Medical Review Officer (MRO) before a determination is made that an individual has used illegal drugs. You will be given the opportunity to report to the MRO all prescription and over-the-counter drugs you have taken that could explain a positive drug test result.

Under pre-employment/pre-appointment testing, any individual whose test is verified as positive will not be selected for the position applied for but will be entitled to remain in his or her current position unless a directed assignment was involved. If an individual refuses to submit to testing, fails to appear for a scheduled test without acceptable explanation, refuses to provide a specimen at the collection site, is unable to provide a sufficient quantity of urine within a reasonable period of time, or tampers/adulterates/substitutes his or her sample, he or she will be deemed to have withdrawn his or her application for consideration for the Category I position and will not be selected for the position. If an individual with a verified positive test result was referred from an Office of Personnel Management register or on a Certificate of Eligibles under a delegation agreement, the Certificate will be annotated to reflect non-selection for the appropriate reason(s).

Appropriate disciplinary action will be taken against current non-Category I DOT employees who receive verified positive test results, who tamper with samples, or refuse directed assignments. Prior to the taking of any disciplinary action in the case of a verified positive test finding, the employee will be offered an opportunity to enter a rehabilitation/abatement program. The disciplinary action will be held in abeyance pending successful completion of the rehabilitation/abatement program if the employee agrees to accept DOT's offer.

Once you enter into this critical safety or security position, you will also be subject to random drug testing, which is unannounced and can occur on any workday. Drug testing will be performed in the identical manner described in the fourth paragraph of this Notice.

Refusal to submit to random drug testing or failure to cooperate with the collection process will be grounds for removal from the Federal service. Employees with verified positive test results under a random drug test will be assigned to non-safety or security duties and will be provided the opportunity to enter a rehabilitation/abatement program.

These employees may be returned to safety or security duties when a determination is made that such action would not pose a danger to public health or safety or national security. In addition, unannounced follow-up testing for a period of one year after the return to safety or security duties will be required for these employees. Refusal to enter or successfully complete a rehabilitation/abatement program may result in removal from the Federal service.

We fully appreciate that drug testing is a highly sensitive issue and want to assure you the program has been designed with the utmost concern for maintaining each individual's privacy and dignity. The decision to conduct drug testing was made only after intensive review and careful consideration for the legitimate privacy concerns of affected individuals. The Department concluded that testing was the most effective way possible to ensure DOT's safety and security employees are drug free. The Secretary and the Secretary's senior staff are also covered by the program. Achieving a drug-free Departmental workplace is a goal we owe ourselves, our families and the traveling public.

Your signature below acknowledges receipt of this notice.

Printed or Typed Name

Signature of Employee/Applicant Date

NOTE: If an employee/applicant refuses to acknowledge this notice, the appropriate personnel official should certify that the notice was provided to the applicant/employee by signing below.

Signature of Personnel Official

Date

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U.S. Department of
Transportation

Office of the Secretary
of Transportation

Memorandum

Subject INFORMATION: Notice to Employees in
Certain Career Ladder Positions or
Upward Mobility Positions Subject
to Pre-Employment/Pre-Appointment and
Random Drug Testing

Date

From (Personnel Official)

Reply to
Attn of

To (Employee)

The purpose of this memorandum is to notify you of the drug testing requirements of the Department and the consequences of receiving a verified positive drug test result and/or not complying with collection procedures as set forth in U.S. Department of Transportation (DOT) Order, DOT 3910.1A, entitled "Drug-Free Departmental Workplace".

It is the policy of the Department to test all applicants and employees for illegal drug use prior to employment, appointment or promotion into critical safety and security positions as they relate to the transportation mission of the Department. The job functions associated with these positions have a direct impact on public health and safety, the protection of life and property, law enforcement, or national security ("Category I" positions). This policy applies to: all DOT employees currently serving in non-Category I positions who are tentatively selected for, are assigned to, or are promoted to a Category I position; all other employees of the Federal Government who are tentatively selected for a Category I position; and all non Federal employees who are tentatively selected for a Category I position.

The agency has determined that the next position in your career ladder or Upward Mobility Program is a critical safety or security position. Consequently, you will be required to submit to a pre-employment/pre-appointment drug test before you can be initially placed in the position.

Drug testing will be performed through urinalysis by an independent contract laboratory certified by the Federal Government. The testing methodology reflects the scientific and technical procedures necessary to ensure results are highly reliable and accurate. These procedures will include an initial screen for drugs and confirmation by gas chromatography/mass spectrometry. In addition, the laboratory is required to observe strict quality control procedures. To ensure the sample

taken from an individual is properly identified and not accidentally confused with any other sample, strict procedures will be used when collecting and transferring the sample. The total of these procedures is known as the chain of custody. All test results will be handled with maximum respect for individual confidentiality, consistent with safety and security. Confirmed positive test results reported by the laboratory will be reviewed by a DOT Medical Review Officer (MRO) before a determination is made that an individual has used illegal drugs. You will be given the opportunity to report to the MRO all prescription and over-the-counter drugs that you have taken that could explain a positive drug test result.

Under pre-employment/pre-appointment testing, an employee whose test is verified as positive, refuses to submit to testing, fails to appear for a scheduled test without acceptable explanation, refuses to provide a specimen at the collection site, is unable to provide a sufficient quantity of urine within a reasonable period of time, or tampers/adulterates/substitutes his or her sample, will not be placed in a Category I position. Appropriate disciplinary action will be taken against such an employee. Prior to the taking of any disciplinary action in the case of a verified positive test finding, the employee will be offered an opportunity to enter a rehabilitation/abatement program. The disciplinary action will be held in abeyance pending successful completion of the rehabilitation/abatement program if the employee agrees to accept DOT's offer.

Once you enter into this critical safety or security position, you will also be subject to random drug testing, which is unannounced and can occur on any workday. Drug testing will be performed in the identical manner described in the fourth paragraph of this Notice.

Refusal to submit to random drug testing or failure to cooperate with the collection process will be grounds for removal from the Federal service. Employees with verified positive test results under a random drug test will be assigned to non-safety or security duties and will be provided the opportunity to enter a rehabilitation/abatement program. These employees may be returned to safety or security duties when a determination is made that such action would not pose a danger to public health or safety or national security. In addition, unannounced follow-up testing for a period of one year after the return to safety or security duties or completion of a rehabilitation/abatement program, whichever is later, will be required for these employees. Refusal to enter or successfully complete a rehabilitation/abatement program may result in removal from the Federal service.

We fully appreciate that drug testing is a highly sensitive issue and want to assure you the testing program has been designed with the utmost concern for maintaining each individual's privacy and dignity. The decision to conduct drug testing was made only after intensive review and careful consideration for the legitimate privacy concerns of affected individuals. The Department concluded that testing was the most effective way possible to ensure that DOT's safety and security employees are drug free. The Secretary and the Secretary's senior staff are also covered by the program. Achieving a drug-free Departmental work place is a goal we owe ourselves, our families and the traveling public.

Your signature below acknowledges receipt of this notice.

Printed or Typed Name

Signature of Employee

Date

NOTE: If an employee refuses to acknowledge this notice, the appropriate personnel official should certify that the notice was provided to the applicant by signing below.

Signature of Personnel Official

Date

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