

DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY

DEPARTMENTAL PERSONNEL MANUAL SYSTEM

Published in advance
of incorporation in
DPM Chapter 300
Retain until superseded

DPM LETTER: 300-16

SUBJECT: Policies and Procedures on Pre-Employment/
Pre-Appointment Drug Testing DATE: JAN 13 1989

A. Policy

It is the policy of the Department, as set forth in Department of Transportation Order DOT 3910.1, Drug-Free Departmental Workplace, to test all applicants tentatively selected for safety/security critical positions ("Category I"), prior to employment or appointment. This policy applies to all DOT employees currently serving in non-Category I positions who apply for or are selected for a Category I position and to all external candidates, including employees of the Federal Government, who apply for a Category I position. For purposes of this Letter, both current DOT employees and external candidates are referred to as "applicants".

B. Actions Covered

This policy applies to any action which results in an applicant's being placed in a Category I position on a permanent basis, whether through competitive or non-competitive procedures. It also applies to time-limited appointments in excess of 90 days to Category I positions, and to temporary assignments (i.e., details, temporary promotions and term promotions) in excess of 90 days of current employees to Category I positions. If a temporary assignment or appointment is extended beyond an initial 90 days, the employee will be subject to testing before the temporary extension can be granted.

C. Procedures

1. Any vacancy announcement for a Category I position must include a statement that the position is subject to the pre-employment and random drug-testing provisions of the Department's drug testing program.

Filing Instructions: File after DPM Chapter 300 Letters

Distribution: All FPM Subscribers

OPI: M-16/DSchossler/ 366-9447

Per [unclear] [unclear]

2. Because many Category I positions are not advertised through a vacancy announcement, and because it is important that applicants are aware of the testing requirements when being considered for a Category I position, all applicants tentatively selected for a Category I position must be notified in writing of the testing requirements before a final position offer can be made. This written notice must also include notice of the consequences of receiving a verified positive test result and failure to comply with the Department's drug testing procedures. Therefore, Attachment 1 to this letter, Notice to Applicants and Employees Subject to Pre-Employment/Pre-Appointment and Random Drug Testing, must be given to every applicant before he/she may be placed in a Category I position. Normally this notification will be included with a tentative offer of employment, pending a negative test result. The signed notice should be filed on the left side of the individual's Official Personnel Folder (OPF). Operating administrations should establish internal procedures for assuring the prior written notice requirement is met. The signed notice should remain in the OPF as long as the employee is continuously employed anywhere with the Department, including when the employee moves from one operating administration to another.

3. As provided for in the Department of Transportation Drug-Free Departmental Workplace Drug Testing Guide (Drug Testing Guide), Chapter V., Section II.A., the drug test should be the last action taken prior to a final offer of employment.

4. When an applicant has been tentatively selected for a Category I position, it is the responsibility of the appropriate official of the personnel office to notify the Drug Program Coordinator (DPC) to arrange for testing, in accordance with the Drug Testing Guide, Chapter V. The notification to the DPC shall include the following information:

- name of applicant/employee;
- occupational series and title;
- social security number;
- gender;
- organization codes/routing symbol; and
- recommended date and location for testing (most often the home area of the applicant/employee).

The Drug Testing Guide, Chapter V, Section I.C. exempts the Federal Aviation Administration from this requirement.

5. The DPC shall notify the appropriate official of the personnel office when a negative test result has been received, so that a final offer of the Category I position can be made.

6. If the DPC notifies the personnel official that a verified positive test result has been received, action should be taken in accordance with Section E., below.

D. Failure of Applicant to Comply with Collection Procedures

1. If the applicant fails to appear for a scheduled test, the DPC shall immediately contact the personnel office, which will in turn contact the applicant to determine the reason for failure to report to the collection site. If the personnel office determines that the circumstances warrant, testing can be rescheduled. Acceptable reasons may include, but are not limited to, illness, family emergencies or transportation difficulties.

2. If the applicant refuses to submit to testing, fails to report for scheduled testing 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, the applicant shall be deemed to have withdrawn his or her application for consideration for the Category I position, and should be notified in writing by the personnel office that such action has been taken. A Certificate of Eligibles issued by the Office of Personnel Management (OPM), or under an OPM delegated examining agreement, should be annotated to indicate the applicant declined the position. (A DOT employee who tampers/adulterates/substitutes his or her sample will be subject to appropriate disciplinary action pursuant to Chapter X of the Drug Testing Guide.)

3. Failure to report for testing for a Category I position does not preclude the applicant's eligibility for consideration for any other positions, including other Category I positions.

E. Actions Based on Positive Test Result

1. If a test of an applicant who is a current DOT employee is verified as positive, the DPC shall notify the personnel office filling the vacancy. The employee may not be placed in the Category I position. In addition, the procedures of the Drug Testing Guide, Chapter X, shall be followed, including notification of the DPC of the employee's current operating administration if the employee is not in the operating administration where the vacancy exists.

2. If a test of an external candidate referred from an Office of Personnel Management register or on a Certificate of Eligibles issued under a delegation agreement is verified as positive, the DPC shall notify the personnel office, which shall in turn notify the applicant. The applicant may not be selected for the position, and appropriate procedures should be followed to non-select the applicant for suitability reasons.

3. If a test of an external candidate other than a referral from an OPM register or a Certificate of Eligibles issued under a delegation agreement is verified as positive, the DPC shall notify the personnel office, which shall in turn notify the applicant. The applicant may not be selected for the position. The applicant's current employer shall not be notified of any test results.

F. Eligibility of Applicant Who Fails Drug Test To Apply Subsequently for Positions

1. An applicant who receives a verified positive drug test result cannot be precluded from consideration for any covered position in the future.

2. In making an employment determination with respect to an applicant applying for a covered position who received a verified positive test result on a prior DOT pre-employment/pre-appointment drug test, the appropriate personnel office may take into consideration the prior positive test result.

3. A new drug test must be administered if subsequent to receiving a verified positive drug test result, an applicant is tentatively selected for another covered position.

G. Other Situations Involving the Placement of Applicants in Category I Positions

1. Reduction in Force (RIF). If a DOT employee not currently in a Category I position receives an offer under RIF procedures, and the position offered is a Category I position, the requirements of this Letter must be applied, including the written notice requirements of Section C.2. If the employee fails to comply with collection procedures, or receives a verified positive test result, the employee must be deemed to not meet the qualifications for the offered position. The normal RIF procedures concerning entitlements to offers should then be applied. If, after appropriate application of RIF procedures, the employee is

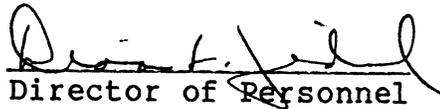
not separated but is placed in a non-Category I position, the requirements of Chapter X of the Drug Testing Guide shall also be applied.

2. Directed Assignments. If a management official directs the assignment of an employee not currently in a Category I position to a Category I position, the requirements of this Letter apply, including the written notice requirements of Section C.2. If the employee fails to comply with collection procedures, he/she will be deemed to have refused the directed assignment, and will be subject to appropriate disciplinary action. Management, of course, retains its right to cancel or revise the notice of the directed reassignment. However, if the employee has received a positive test result in connection with the proposed directed reassignment, the provisions of Chapter X of the Drug Testing Guide shall be applied even if the proposed directed reassignment is cancelled.

3. Promotion from a Non-Category I to a Category I Position Within a Career Ladder or Under an Upward Mobility Program. If an employee enters a career ladder in which positions at the lower grade(s) are not in Category I, but positions at higher levels in the career ladder are in Category I, the following procedures apply. These procedures also apply when an employee in an Upward Mobility Program moves from a bridge position not in Category I to a target position which is in Category I. First, when the employee initially enters the career ladder or bridge position, he or she should be notified in writing that higher level positions in the career ladder or the target position are Category I positions and subject to the Department's drug testing program, and that failure to comply with drug testing procedures will disqualify the employee for placement in those positions and will lead to appropriate disciplinary action. Second, Attachment 2 to this Letter, Notice to Employees in Certain Career Ladder Positions or Upward Mobility Positions Subject to Pre-Employment/Pre-Appointment and Random Drug Testing, must be given to the employee immediately before he or she may be initially placed in the Category I position in the career ladder or in the target position.

The signed notice should be filed on the left side of the employee's OPF. Operating administrations should establish internal procedures for assuring the prior written notice requirements are met. The signed notice should remain in the OPF as long as the employee is continuously employed anywhere within the Department, including when the employee moves from one operating administration to another.

Attachments


Director of Personnel



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 3910.1, 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 before a determination is made that an individual has used illegal drugs. You will be given the opportunity to list any prescription and over-the-counter drugs that you have taken.

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 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 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 3910.1, 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 before a determination is made that an individual has used illegal drugs. You will be given the opportunity to list any prescription and over-the-counter drugs that you have taken.

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.

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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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