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PERSONNEL

USAID/General Notice
M/HR/POD
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SUBJECT: Implementation of Drug Testing at USAID

The purpose of this notice is to inform USAID employees that the Agency will begin urinalysis drug testing pursuant to the Agency's Drug-free Workplace Program Plan (DWPP). Drug testing may begin no sooner than 60 days after the date of this notice.

Executive Order 12564 established the policy of the United States Government to achieve a drug-free workplace. One goal of the policy is to ensure a safe and drug-free workplace for all Federal workers. Another goal of the policy is to offer a helping hand to those who need it, while sending a clear message that any illegal drug use is, quite simply, incompatible with Federal service. The DWPP is being enforced in other government agencies.

By Federal statute each agency is required to develop a DWPP, establish specific criteria for uniformity in all agency plans, and provide for central oversight of all government drug testing programs by the Department of Health and Human Services (HHS). The U.S. Agency for International Development's (USAID's) DWPP has been certified by HHS as meeting Federal requirements.

As required by the USAID DWPP, this notice informs each USAID employee that the Plan includes both mandatory and voluntary urinalysis testing provisions. As stated above, drug testing may begin no sooner than 60 days after the date of this notice. While the DWPP applies to all employees world-wide, actual testing will be implemented initially in USAID/W and will apply to U.S. Direct Hires (USDHs) and Personal Services Contractors (PCSs).

The requirement for random drug testing of PSCs is found in the general statutory authorization for PSC's. This will be memorialized in a future Contract Information Bulletin (CIB).

Inclusion of our overseas missions in the testing program will be phased-in, in conjunction with the Department of State's (DOS) Department of Medical Services as they implement the DOS Program overseas. All testing will be carried out in accordance with USAID's DWPP, the HHS Mandatory Guidelines for the Federal Workplace Drug Testing Programs, and other applicable statutory and regulatory authorities. Employees who test positive may be disciplined, or removed, if they do not refrain from further drug use.

Parts of the DWPP are based upon whether an employee occupies a Testing Designated Position (TDP). Based on the applicable authorities, all positions within the Agency have been designated as TDPs because all positions require a security clearance at the Secret or higher level. Employees in TDPs will receive an individual notice, prior to the commencement of testing, indicating that their position has been designated a TDP.

Drugs for which individuals will be tested are marijuana, cocaine, amphetamines, opiates and phencyclidines (PCP). Drug testing may occur under the following circumstances:

1. Voluntary testing. The program provides that in order to demonstrate their commitment to USAID's goal of a drug-free workplace and to set an example for other Federal employees, employees not in TDP's may volunteer for unannounced random testing by notifying the Drug Program Manager (DPM), Yvonne L. Williams. Since all USAID/W employees are in TDPs, all employees already will be subject to random testing.
2. Applicant testing. All applicants who are tentatively selected for USAID positions are potentially subject to drug testing. However, USAID's DWPP stipulates that the thoroughness of the security clearance process that each potential employee goes through is an effective pre-employment screening device for uncovering many problems bearing on applicant suitability (including current and/or past patterns of drug abuse) and will be USAID's primary method of preventing the employment of individuals who abuse drugs.
3. Random testing of employees in TDPs. Employees in TDPs will be notified individually that their positions have been designated for random testing at least 30 days prior to testing. This individual notice will provide details regarding the testing procedures.
4. Reasonable suspicion testing. An employee may be directed by management to undergo drug testing when there is a "reasonable suspicion" that the employee used illegal drugs. The Agency will follow strict guidance in making a determination of whether "reasonable suspicion" exists in any individual case.
5. Accident or unsafe practice testing. Any employee suspected of having caused or contributed to an on-the-job accident or who has engaged in unsafe on-duty job-related activities that pose a danger to others, or the overall operation of USAID may be tested if their actions cause death or personnel injury requiring immediate hospitalization or damage to government or private property in excess of \$10,000.
6. Follow-up testing. All employees referred by management to undergo counseling or a rehabilitation program for illegal drug use will be subject to

unannounced testing following completion of such a program for a period of one year.

A number of safeguards have been built into the drug testing process to insure test reliability and confidentiality. The laboratory testing methodology is a series of scientific and technical procedures, which are highly accurate and reliable. In addition, a Medical Review Officer (MRO) will review and interpret positive test results reported by the testing laboratory. Employees will be afforded the opportunity to submit medical documentation of the lawful use of an otherwise illegal substance. A positive test result verified by the MRO may only be disclosed to the employee, the appropriate Employee Assistance Program (EAP) Coordinator, the appropriate management officials necessary to process an adverse action against the employee, or a court of law or administrative tribunal in an adverse personnel action.

Since the primary purpose of this program is to achieve a drug-free workplace while offering a helping hand, all USAID employees should be aware that counseling and rehabilitation assistance is available to them through the DOS' EAP via contractual agreement. Employees may access EAP drug abuse counseling and rehabilitation services by contacting the EAP Coordinator, Dr. Schoen, at (202) 663-1815.

All medical and rehabilitation records in the EAP will be deemed confidential "patient" records and may not be disclosed without the prior written consent of the patient, an authorizing court order, or as otherwise permitted by federal law. In addition, the USAID DWPP has a provision designed to provide employees with an incentive to obtain help. Under this provision, any employee who (1) voluntarily identifies himself or herself as a user of illegal drugs or who volunteers for drug testing before being identified through other means; (2) obtains counseling or rehabilitation through an EAP; and (3) thereafter refrains from using illegal drugs, will not be subject to disciplinary action.

The USAID DWPP provides for supervisor training and employee education in the dangers and signs of drug abuse. This will include materials that address the physiological effects of drug use, drug testing methodology and quality control, and the availability of confidential counseling and rehabilitation help through an EAP. The USAID DPM upon request will provide information about this outreach program.

Copies of this notice were previously provided to the American Foreign Service Association (AFSA) and the American Federation of Government Employees (AFGE). In addition, representatives of AFSA and AFGE have been fully briefed on the program and its implementation, and the Agency will continue to be responsive to requests by the unions for information on the program and its implementation.

Point of Contact: Any questions concerning this notice may be directed to Yvonne L. Williams, M/HR/POD/SP, (202) 712-1143.

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