

**Department of the Army
Pamphlet 600–85**

Personnel–General

Federal Drug-Free Workplace Procedural Guidance

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SUMMARY of CHANGE

DA PAM 600–85
Federal Drug-Free Workplace Procedural Guidance

This major revision, dated 29 July 2020—

- o Changes the title from Army Substance Abuse Program Civilian Services to Federal Drug-Free Workplace Procedural Guidance (cover).
- o Provides updates to technical guidance and to Employee Assistance Program services (paras 1–4, 2–1, 2–2, and 2–5).
- o Incorporates Army Directive 2015–06 (Designation of Certain Positions as Testing Designated Positions Under The Army Drug-Free Federal Workplace Program) (para 3–2*f*(2)(a)).
- o Identifies a new requirement under the Army Drug-Free Federal Workplace Program (para 3–2*f*(2)(c)(d)).
- o Incorporates updates to the Army Drug-Free Federal Workplace Program’s civilian drug testing (paras 3–2 and 3–5).
- o Updates the role of supervisors in the civilian drug-testing process (para 3–2*a*(4)).
- o Incorporates Army Directive 2016–04 (Realignment of the Army Substance Abuse Program’s Clinical Care), (throughout).
- o Identifies the responsibilities of Employee Assistance Program and drug-testing coordinators (throughout).

Personnel–General

Federal Drug-Free Workplace Procedural Guidance

By Order of the Secretary of the Army:

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History. This publication is a major revision.

Summary. This pamphlet provides instructions and procedures for implementing Army policies in AR 600–85, as well as standardized procedures for completing all the prescribed Army Substance Abuse Program forms, which can be found on the Army Publishing Direc-

torate’s website (<https://armypubs.army.mil>).

Applicability. This pamphlet applies to the Regular Army, the Army National Guard/Army National Guard of the United States, the U.S. Army Reserve, Department of the Army Civilians, Family members of military and civilian employees, and retired military personnel and their Family members, unless otherwise stated.

Proponent and exception authority. The proponent of this pamphlet is the Deputy Chief of Staff, G–1. The proponent has the authority to approve exceptions to this pamphlet that are consistent with controlling laws and regulations. The proponent may delegate this approval authority, in writing, to a division chief within the proponent agency or its direct reporting unit or field-operating agency, in the grade of colonel or the civilian equivalent. Activities may request a waiver to this publication by providing justification that includes a full

analysis of the expected benefits and must include formal review by the activity’s senior legal officer. The commander or senior leader of the requesting activity will endorse all waiver requests and forward them through their higher headquarters to the policy proponent. Refer to AR 25–30 for specific guidance. The Army Medical Command must approve changes regarding clinical issues.

Suggested improvements. Users may send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to the Deputy Chief of Staff, G–1 (DAPE–ARD), 300 Army Pentagon, Washington, DC 20310–0300.

Distribution. This regulation is available in electronic media only and is intended for the Regular Army, the Army National Guard/Army National Guard of the United States, and the U.S. Army Reserve.

Contents (Listed by paragraph and page number)

Chapter 1

Introduction, page 1

Purpose • 1–1, page 1

References and forms • 1–2, page 1

Explanation of abbreviations and terms • 1–3, page 1

Technical guidance to policy • 1–4, page 1

Labor relations and union cooperation • 1–5, page 1

Chapter 2

Employee Assistance Program Services, page 2

Basic Employee Assistance Program services • 2–1, page 2

Additional Employee Assistance Program coordinator functions • 2–2, page 2

Requirements of the supervisor • 2–3, page 2

Employee education and supervisory training and prerequisites • 2–4, page 3

Procedures for participation of Family members in the Employee Assistance Program and Substance Use Disorder Clinical Care • 2–5, page 3

Chapter 3

The Army’s Drug-Free Federal Workplace Civilian Drug-Testing Program, page 4

General • 3–1, page 4

*This publication supersedes DA Pam 600–85, dated 15 October 2001.

Contents—Continued

Categories of civilian drug testing and testing procedures • 3–2, *page 4*

Specimen collection • 3–3, *page 7*

Medical review • 3–4, *page 7*

Request to identify additional positions as testing designated positions • 3–5, *page 8*

Chapter 4

Department of Transportation Drug- and Alcohol-Testing Program, *page 8*

General • 4–1, *page 8*

Safety-sensitive functions • 4–2, *page 8*

Prohibited conduct and consequences (Department of Transportation rules and prohibitions) • 4–3, *page 9*

Categories of testing and required procedures • 4–4, *page 9*

Specimen collection • 4–5, *page 12*

Medical review • 4–6, *page 13*

Installation substance abuse professional evaluation • 4–7, *page 13*

Appendixes

A. References, *page 15*

Glossary

Chapter 1 Introduction

1-1. Purpose

This pamphlet provides detailed instructions and administrative procedures for implementing Army policies contained in AR 600–85. These instructions and procedures apply to Department of the Army (DA) Civilians, military and civilian employees' Family members, and military retirees and their Family members. Specific topics include the Employee Assistance Program (EAP); Substance Use Disorder Clinical Care (SUDCC) counseling and treatment services; Drug-Free Federal Workplace (DFW) Civilian Drug-Testing Program that Executive Order (EO) 12564 requires; and Army alcohol-testing and other drug-testing programs for vehicle operator positions that Department of Transportation (DoT) regulations mandate (Volume 1, Parts 40 and 382, Title 49, Code of Federal Regulations (49 CFR 40.1 and 382)).

1-2. References and forms

See appendix A.

1-3. Explanation of abbreviations and terms

See the glossary.

1-4. Technical guidance to policy

The DA recognizes alcoholism and drug abuse as preventable and treatable progressive diseases. As such, it is Army policy that—

a. Each DA Civilian, Family member of a military or civilian employee, military retiree, and Family member of a military retiree will have access to confidential EAP services (see chap 2). A DA Civilian will be offered EAP screening and assessment, short-term counseling, and substance use disorder (SUD) treatment referral if he or she is eligible to receive care at a military treatment facility (MTF). The EAP coordinator refers any DA Civilian who is ineligible for treatment at an MTF to a rehabilitation program outside the installation (see AR 40–400). Each supervisor follows the procedures outlined in paragraph 2–3. A Family member seeking SUD treatment will receive it at their assigned MTF. If space is unavailable at the assigned MTF, the Family member will receive a referral to the network for appropriate care. Each DA Civilian is offered EAP screening and assessment, short-term counseling, and SUD treatment referral if he or she is eligible to receive care at an MTF. If a DA Civilian is ineligible for MTF treatment, he or she will be referred to a rehabilitation program outside the installation (see AR 600–85). The supervisor follows the procedures outlined in AR 600–85. A Family member seeking SUDCC will receive it at their assigned MTF; if space is unavailable at an MTF, a referral is issued to the network for the appropriate level of care.

b. Each DA Civilian must refrain from illegal drug use on or off duty.

c. The supervisor intervenes early when alcohol misuse, drug abuse, or other personal problems adversely affect a DA Civilian's job performance or behavior. The supervisor is encouraged to use the services of the EAP, in conjunction with disciplinary action. The supervisor coordinates with the servicing Civilian Personnel Advisory Center (CPAC) for disciplinary actions.

d. A DA Civilian will generally not jeopardize the security of their job, or an opportunity for promotion, by requesting assistance. A DA Civilian's performance appraisals will not detail current or past SUD treatment.

e. The supervisor consults with the servicing CPAC and staff judge advocate (SJA) and notifies the appropriate law enforcement authorities when there is reasonable suspicion that any employee is engaging in criminal conduct involving alcohol or other drugs (for example, trafficking, theft, or illegal possession).

1-5. Labor relations and union cooperation

The active support of labor organizations will contribute to the success of the EAP. The obligation of each employer is designated in the Federal Service Labor-Management Relations Act. Union officials can be influential in developing and maintaining employee confidence in the EAP. It is important that labor organizations understand the efforts of management officials to assist employees with alcohol- and drug-related problems. Any change in the conditions of employment of a bargaining-unit member should conform to the applicable provisions of the local collective-bargaining agreement and the Federal Service Labor-Management Relations Act. Each activity must complete its statutory and applicable contractual labor relation's obligations prior to implementing the terms of the governing regulation as the obligations relate to the bargaining unit member. Personnel can address questions regarding labor

relations implications and responsibilities concerning the Civilian Drug-Abuse Testing Program through command channels to DCS, G-1 (DAPE-CPL), Bldg. 1465, Fort Belvoir, VA 22060-5595.

Chapter 2

Employee Assistance Program Services

2-1. Basic Employee Assistance Program services

The EAP is a Federal program designed to help employees or Family members, whenever feasible, with problems that may affect their well-being and their ability to do their jobs. At the installation level, the EAP coordinator provides the following basic EAP services:

a. Screening-assessment interview and short-term counseling. The initial screening and assessment interview identifies documents, and evaluates individual strengths, weaknesses, problems, and needs. In addition, this interview lays the foundation for further referral. It is critical for the EAP coordinator to discuss the importance of signing DA Form 5017 (Civilian Employee Consent Statement) with the employee. DA Form 5017 addresses the release of information about employee compliance with an agreed-upon treatment plan and the employee's progress during and at the end of treatment to select Government officials. EAP coordinators only release information (the employee's enrollment, attendance, and progression in a treatment or counseling program) to the employee's supervisor if the employee signs DA Form 5017. The EAP coordinator annotates the EAP record of the employee if he or she refuses to sign DA Form 5017. However, the EAP coordinator does not deny assistance to an employee who refuses to sign DA Form 5017. DA Form 5017 is available on the Army Publishing Directorate's (APD's) website (<https://armypubs.army.mil>). The EAP coordinator will—

(1) Use the EAP Drug and Alcohol Management Information System (DAMIS) record to document all EAP cases at the installation level. This documentation allows data analysis to determine service use.

(2) Maintain each employee's assessment summary, DA Form 5017 (if applicable), and additional information in a separate administrative file that is marked "CONFIDENTIAL— SCREENED//ENROLLED." These administrative files are subject to the provisions of Section 552a, Title 5, United States Code (5 USC 552a) and Section 290dd-2, Title 42, United States Code (42 USC 290dd-2).

b. Referral for treatment and rehabilitation. The EAP coordinator refers an employee to the appropriate treatment or rehabilitation resource after determining the nature of their problem. If a civilian employee is eligible, he or she may use approved civilian community resources or, if eligible, SUDCC services.

c. Follow-up services. Follow-up services help the employee readjust to their job.

d. Training and education for supervisors and employees about personal readiness.

e. Training and consultation for supervisors on how and when to make proper use of EAP services.

f. Promotion activities to publicize the availability and purpose of the services provided by the installation EAP.

2-2. Additional Employee Assistance Program coordinator functions

In addition to providing basic EAP services, the EAP coordinator is required to—

a. Assess, plan, and establish local procedures for providing comprehensive EAP services for eligible DA Civilians as well as military and civilian Family members within the military community.

b. Establish and maintain appropriate coordination and liaison with the installation CPAC, medical review officers (MRO), installation substance abuse professionals (SAPs), and supervisors of civilian employees.

c. Evaluate and maintain a list of approved community treatment and rehabilitation resources.

d. Support the development of preventative campaigns and help provide education and prevention programs for various civilian groups.

e. Consult and advise management on how to refer employees to the EAP.

2-3. Requirements of the supervisor

To support the EAP, the supervisor should—

a. Maintain alertness through continual observation of changes in the work and behavior of each assigned employee. In general, early intervention is most successful in returning an employee to acceptable productivity.

b. Document deteriorating job performance or changing behavior or attendance patterns.

c. Consult with their servicing CPAC before referring an employee to the EAP or initiating any personnel or administrative action. The CPAC representative advises the supervisor about their options and responsibilities. The supervisor must comply with applicable laws and regulations concerning qualified individuals with disabilities.

d. Consult with the CPAC before conducting an interview with the employee. The interview should focus on the individual's work performance and should inform him or her of available EAP services.

e. Maintain awareness that, according to DoDD 1010.09 and EO 12564, any DA Civilian who is found to use illegal drugs may be subject to disciplinary action. Such a determination may be made through direct observation, criminal conviction, confirmed positive drug test, employee admission, or other applicable evidence.

f. Contact the servicing CPAC when advised that an employee in a testing designated position (TDP) (as defined in AR 600–85) has used illegal drugs. An employee who tests positive for illegal drug use will not remain in a TDP.

g. Know that an employee may return to a TDP upon successful completion of a rehabilitation program. In addition, an employee may return to a TDP as part of a rehabilitation program if he or she shows evidence of progress and poses no danger to health, safety, or security.

h. Consult the servicing CPAC and SJA, and notify appropriate law enforcement authorities when reasonable suspicion exists that an employee is engaging in criminal conduct involving alcohol or other drugs (for example, trafficking, theft, or illegal possession).

i. Consult the servicing CPAC when an employee appears to be under the influence of alcohol or other drugs while on duty.

j. Contact the servicing CPAC when an employee violates DoT rules (see chap 4). Alcohol and other drug prohibitions are identified in 49 CFR 382, subpart B. Any incumbent in a position covered by DoT rules may be subject to a range of disciplinary actions for drug or alcohol violations. The servicing CPAC can provide the supervisor with the—

- (1) Criteria to use when making a rule violation determination.
- (2) Necessary documentation to address the violation.
- (3) Range of actions available to the supervisor to address the violation.

k. Initiate an evaluation of continued eligibility for access to classified information and reporting, in accordance with AR 380–67, whenever advised that an employee is using illegal drugs.

2–4. Employee education and supervisory training and prerequisites

Preventative education of and training for DA Civilians at all levels are crucial to the success of the EAP.

a. Employee education addresses the—

(1) Personal readiness policies; Army DFW Civilian Drug-Testing Program; DoT drug-use and alcohol misuse rules and requirements; and availability of EAP services, to include the EAP point of contact, telephone number, address, and hours of operation.

(2) Types, effects, and signs of substance or drug use; hazards and effects of alcohol and drug abuse; and other personal readiness issues regarding performance and conduct.

(3) Program confidentiality.

b. Supervisory training addresses the—

(1) Supervisor's role in the recognition and documentation of employee performance and conduct problems and the use of and responsibilities for offering EAP services.

(2) Availability of EAP services, including the EAP point of contact, telephone number, address, and hours of operation.

(3) Process of reintegrating the employee (that is, post-treatment rehabilitation) into the workforce.

(4) Confidentiality and records requirements.

2–5. Procedures for participation of Family members in the Employee Assistance Program and Substance Use Disorder Clinical Care

a. A Family member may participate in all aspects of the EAP and SUD treatment within the capabilities of existing resources. Consent for treatment is in accordance with AR 40–3 and AR 40–66. (See AR 600–85 for specific instructions regarding minor children.)

b. A military or civilian Family member will be offered referral to the EAP and SUDCC by—

(1) Volunteering for EAP and SUD services.

(2) Being encouraged to seek assistance through installation resources (for example, the Alcohol Drug Abuse Prevention Training, chaplaincy, community mental health activity, child protective case management team, Army Community Services, or schools) or other Family member services.

c. A SUD provider who is skilled in working with Family members evaluates the referred Family member to determine the nature of their problem and to make an appropriate referral to the SUDCC (if resources are available) or to community resources.

d. The rehabilitation urine testing of a Family member enrolled in SUD treatment is conducted with the approval of the clinical director (CD). Rehabilitation samples are not sent to an Army or contract forensic drug-testing laboratory; the CD arranges for Family member drug testing of urine samples collected as part of their rehabilitation plan.

Chapter 3

The Army's Drug-Free Federal Workplace Civilian Drug-Testing Program

3-1. General

Refer to AR 600-85.

3-2. Categories of civilian drug testing and testing procedures

To realize the objectives of EO 12564 (refer to AR 600-85), the Army implemented six required categories of drug testing. They include—

a. Reasonable suspicion testing. Reasonable suspicion testing guidance is as follows:

(1) A DA Civilian is subject to reasonable suspicion testing when reasonable suspicion of on-duty use or on-duty impairment exists.

(2) A DA Civilian in a TDP is subject to reasonable suspicion testing when reasonable suspicion exists that he or she uses illegal drugs on or off duty. A reasonable suspicion is an articulable belief that an employee uses illegal drugs drawn from specific and particularized facts and reasonable inferences from those facts. Mere hunches or rumors are not sufficient reasons to initiate testing.

(3) The supervisor initiates this type of testing. Reasonable suspicion may be based on—

(a) The direct observation of the use of drugs, the possession of drugs, or the physical symptoms of illegal drug influence by an employee.

(b) A pattern of abnormal conduct or erratic behavior.

(c) A conviction for a drug-related offense.

(d) The observation of the use, the possession, or the physical symptoms of illegal drugs that is corroborated by a reliable and credible source.

(e) The discovery of evidence that indicates that the employee tampered with a previous drug test.

(4) A supervisor who suspects an employee of illegal drug use follows procedures to—

(a) Gather all information, facts, and circumstances leading to and supportive of the suspicion. In addition, the supervisor meets with the employee's next higher level supervisor, the SJA, and the servicing CPAC to review the evidence.

(b) Prepare and maintain a written report on a suspected employee, to include, at a minimum, appropriate dates and times of reported drug-related incidents, reliable and credible sources of information, rationale leading to the test, findings of the test, and actions taken.

(5) The supervisor prepares, and the next higher level supervisor approves, after coordination with the appropriate SJA and servicing CPAC, a notification to test. Reasonable suspicion drug tests will test for all drugs authorized by the Department of Health and Human Services (DHHS) for testing under the DFW Program.

(6) An employee may be asked to provide a specimen under observation if there is reason to believe that the employee might alter or substitute their specimen. (The supervisor, in consultation with the appropriate SJA and the CPAC, makes the decision to obtain a specimen under observation.) AR 600-85 and the DHHS handbook and website (<https://www.samhsa.gov/sites/default/files/specimen-collection-handbook-2014.pdf>) provide additional detailed instructions.

(7) The supervisor notifies their alcohol and drug control officer (ADCO) or the ADCO's designee and provides the information necessary to arrange for reasonable-suspicion drug testing, which is conducted as soon as possible on the same day that the next higher-level supervisor approves the test.

(8) The supervisor notifies the CPAC if an employee refuses to take the test, or if the employee is found to use illegal drugs.

b. Injury, accident, or unsafe practice testing. When an examination of a DA Civilian is authorized, the supervisor follows procedures—

(1) To gather all information, facts, and circumstances leading to, and supporting the, suspicion. Meets with the next higher-level supervisor, the installation safety program manager, the SJA, and the CPAC to review the evidence. The supervisor also prepares a notification to test, when approved by the next higher-level supervisor. In addition, the supervisor prepares and maintains a written report that includes the date, time, and description of any reported accident or mishap; the rationale leading to the decision to test; the findings of the test; and the action taken.

(2) To notify the ADCO or the ADCO's designee and provide the information necessary to arrange for the drug test, which tests for all drugs authorized by DHHS for testing, under this program. The drug test is conducted as soon as possible.

c. Voluntary testing. Voluntary testing is available for any employee who wishes to demonstrate their commitment to the Army's goal of a DFW and who wants to set an example for other Federal employees and DA Civilians. DA Civilians not in DFWs or TDPs may volunteer for unannounced random testing. The supervisor of an employee who is not in a TDP but who volunteers for drug testing then asks the employee to submit a written request to be included in the random drug-testing program. The supervisor advises the next higher-level supervisor, the CPAC, and the ADCO or the ADCO's designee, and arrange a meeting with the employee to review the program's conditions and the employee's obligations and to obtain a signed voluntary consent to drug testing. As soon as the required administrative procedures are complete, the supervisor notifies the ADCO or the ADCO's designee and provide the information necessary to include the employee in a random pool that is separate from the testing pool for TDPs. The employee may withdraw from participation by submitting a written request to the supervisor, who notifies the ADCO or the ADCO's designee and the CPAC of the employee's withdrawal.

d. Follow-up testing.

(1) A DA Civilian who has successfully completed rehabilitation or has enrolled in rehabilitation for illegal drug use may be subject to unannounced follow-up testing for 12 months. Follow-up testing is not to be confused with regular random testing or with rehabilitation testing, which may be part of the employee's treatment plan.

(2) The supervisor of a DA Civilian who is enrolled for treatment for illegal drug use, or who has successfully completed drug rehabilitation, consults with the CPAC and the EAP coordinator to determine the frequency of unannounced follow-up drug testing, which is generally conducted for a period of 1 year. The supervisor meets with the employee to obtain written agreement that the employee is aware of the requirement for follow-up testing. The supervisor then notifies the ADCO, or the ADCO's designee, and provides the information necessary to arrange for the follow-up testing, which will test for all drugs authorized by DHHS for testing under this program. Only verified positive results obtained from a follow-up test is used to support an adverse action.

e. Applicant testing. A DA applicant who is tentatively selected for appointment to a DFW or TDP is required to participate in applicant drug urinalysis testing. This testing is designed to screen out applicants who use illegal drugs. Drug testing of an applicant or a civilian tentatively selected for a position requiring a negative drug urine test can be conducted at either the gaining installation or a remote installation that is located in the same geographical location in which the individual lives. Testing must be conducted at a Department of Defense (DoD)-DHHS-certified forensic drug-testing laboratory, as specified by the DA. Results from other laboratories will not be accepted. An applicant—

(1) Currently occupying a TDP within the DoD or appointed to a TDP for 30 days or less requires no testing.

(2) Tentatively selected will be required to sign DA Form 5019 (Condition of Employment for Certain Civilian Positions Identified Critical Under the Department of the Army Drug-Free Federal Workplace Program) acknowledging the right of the DA to require a DFW-TDP selectee to participate in random drug urinalysis testing. A copy of DA Form 5019 is available on the APD website (<https://armypubs.army.mil>).

(3) Currently not employed who refuses to be tested must be denied employment. An applicant who receives a verified positive test result must be refused employment. An application from such an individual must not be considered for employment for a period of 6 months from the date of the test result.

f. Random testing. A DA Civilian in a TDP is subject to random testing. Random testing guidance is as follows:

(1) Random drug testing is a system of drug testing imposed without individualized suspicion that a particular individual is using illegal drugs. Random drug testing may include an employee occupying a specified area, element, or position or be a statistically random sampling of such employees based upon neutral criterion (for example, Social Security number). Each employee reports to the testing facility within 2 hours of notification.

(2) Identification procedures are as follows:

(a) The ADCO prepares a memorandum for the installation commander's signature tasking all directorates to identify all civilian positions that meet the TDP position criteria provided in AR 600-85. A management official ensures that the position description of the TDP clearly documents the civilian's critical safety or security responsibilities.

(b) The ADCO, with the assistance of the management official, establishes and maintain an updated DFW-TDP roster that identifies each DFW-TDP and the incumbents in those positions and provides a copy to the drug-testing coordinator (DTC). The DFW-TDP roster may be in any format but contains, at a minimum, the—

1. Position title and number.

2. Name, Social Security number, and work telephone number of the incumbent.

3. Name and work telephone number of the first-line supervisor and the date the supervisor was trained in the Army's DFW Civilian Drug-Testing Program.

(c) The management official manages issuance of the 30-day individual notice to each incumbent in a DFW-TDP. He or she advises the incumbent of the requirement to sign DA Form 5019.

(d) An employee in a DFW-TDP, or an applicant for such a position, receives an individual notice (DA Form 5019) explaining that—

1. The employee's position has been designated as a TDP and he or she will be subject to random testing no sooner than 30 days subsequent to the receipt of the notice.

2. The employee must refrain from the use of illegal drugs.

3. The refusal to submit to testing will result in the initiation of disciplinary action, up to and including removal. Refusal may also result in denial or revocation of a security clearance.

4. An applicant who fails to sign the individual notice will not be selected for the position. If an applicant signs the notice and subsequently refuses to submit to drug testing or if illegal drug use is detected through a verified positive drug test, the applicant will not be selected for the position. An applicant selected for employment will be subject to random drug testing on an unannounced basis as a condition of continued employment.

5. An individual participating in a drug test will be allowed individual privacy while providing the urine specimen unless there is reason to believe the specimen will be altered.

6. The collection, handling, and testing of the urine sample will be conducted under chain-of-custody procedures established by the DHHS.

7. An individual whose specimen tests positive will be given the opportunity to submit documentation to a designated MRO that may support legitimate use of the specific drug(s) before any administrative action is taken.

8. An individual who refuses to furnish a urine specimen or who fails to report for testing as directed will be subject to the same range of administrative action as a person with a verified positive test result for illegal drug use because the individual has failed to meet a condition of employment. If, by any means, illegal drug use is detected, the employee will be taken out of the TDP through immediate assignment, detail, or other personnel action and will be referred to the EAP. In addition, the individual may be reassigned, demoted, or separated according to applicable regulations.

9. An individual who believes he or she has a drug problem is encouraged to seek counseling and referral services by contacting the EAP.

10. An employee who admits illegal drug use to a supervisor or a higher level management official in the chain of command, volunteers for drug testing prior to identification through other means, or obtains counseling or rehabilitation assistance through the EAP and thereafter refrains from using illegal drugs may be subject to discretionary disciplinary action for prior drug use. However, such disciplinary action is not mandatory.

(3) Notification procedures are as follows:

(a) By whatever approved selection process used, the DTC or other individual (as designated by ADCO) notifies the first-level supervisor of each employee selected for random drug testing within 2 hours of the scheduled test. If the first-level supervisor is unavailable, the next higher level supervisor is contacted. The DTC or the designee should record the names of the employees selected, the names of the selected employees' supervisor(s), the times of notification of the selected individuals, and the times of the scheduled specimen-collections in a memorandum for record (MFR).

(b) The supervisor privately explains to each notified DA Civilian that he or she was randomly selected. In addition, the supervisor advises each selectee that he or she is under no suspicion of drug use. The supervisor explains that the DA Civilian is to report promptly to the testing facility point with photographic identification. The supervisor should record in an MFR the names of the individuals advised to report for drug testing, the time of notification, and the time of their advisement to report for testing.

(c) The supervisor of a DA Civilian who works shift duty or who is assigned special duty hours (that is, not the normal day shift of 0800–1700 hours) advises the ADCO or designee, who develops a plan to ensure each subject employee is tested.

(4) Deferral-of-test procedures are as follows:

(a) The supervisor notifies the DTC or designee when an employee selected for drug testing obtains a deferral of test. An unannounced (make-up) test is rescheduled for the employee within the 5-day period following the initial notification.

(b) A deferral of a DA Civilian's random test may be authorized when the DA Civilian's first-line and higher supervisor concur, in writing, that a compelling need necessitates a deferral when the employee is—

1. In an irregular status, such as annual leave, sick leave, suspension, absent without leave, or continuation of pay.

2. On official travel away from the worksite or is about to embark on official travel scheduled before testing notification.

3. On a different work shift.

4. On a worksite, performing a task or project that requires the employee's presence at the worksite during the time the test is scheduled.

(c) The EAP coordinator can request that an employee be exempt from random drug testing for a period not to exceed 60 days while undergoing treatment. The EAP coordinator must consult with the supervisor, the servicing CPAC, and the clinician and document the consultation and the decision to defer testing while in rehabilitation. (The supervisor has the final authority to grant a 60-day deferral.) The EAP coordinator advises the ADCO when a DA Civilian is to be exempt from the random testing program.

(5) Failure to appear for random drug test procedures are as follows:

(a) The ADCO or designee notifies the supervisor when a DA Civilian refuses to provide a sample or fails to report to the designated collection site within the designated time. The DA Civilian's failure to appear for testing is documented and a copy of the documentation is provided to the employee's first-line supervisor.

(b) The supervisor notifies the next higher-level supervisor and the servicing CPAC of the individual's failure to appear. Refusal to be tested or failure to report can result in the same type of disciplinary action as a first-time verified positive test result. The supervisor documents follow-up instructions, in accordance with the guidance of the higher-level supervisor and the CPAC, and provides a copy of the documentation to the ADCO or the designee.

(6) Frequency of random testing guidance is as follows:

(a) The effective deterrence of drug abuse or alcohol misuse requires a random selection process, which ensures that each DA Civilian subject to random testing believes that he or she may be required to provide a urine sample on any day that he or she reports to work.

(b) The DTC or designee ensures that the frequency of random drug testing conforms to DoD guidance, which requires agencies, components, and military Services that have civilian employees encumbering TDPs to conduct a minimum of 0.50 random tests per TDP per year. This testing will result in 1/2 of the TDPs being tested during the course of the year. The installation commander (in consultation with the local law enforcement agencies, the ADCO, and the other drug-control organizations) may increase the random testing percentage with the approval of the Secretary of Defense. Testing will be conducted in accordance with current DoD testing guidance. The testing rate is determined by the DoD and is listed in DoDI 1010.09. TDPs that require incumbents to enroll in the Army's Personnel Reliability Program (PRP), identified in AR 50-5 and AR 50-6, are tested randomly at least once in a 12-month period.

(c) The DTC or designee ensures that the random selection of individuals for testing is evenly distributed throughout the year. Testing should occur on different days of the week.

3-3. Specimen collection

Specimen-collection procedures are provided in detail in AR 600-85, in the DHHS handbook, and on the DHHS website (<https://www.samhsa.gov/sites/default/files/specimen-collection-handbook-2014.pdf>).

3-4. Medical review

a. The MRO is responsible for reviewing, evaluating, and interpreting all confirmed positive test results. In addition, the MRO will, for an applicant or DA Civilian who tests positively—

(1) Contact the employee and inform him or her of the test result.

(2) Provide the employee with the opportunity to provide documentation (for example, medical records, valid prescriptions, or other pertinent data) that supports the authorized use of the identified drug(s).

(3) Discuss the test result with the individual.

b. The MRO is responsible for determining if medical justification exists for the positive test result. If no medical justification for a positive result exists, the result will be considered a verified positive test result.

c. The MRO verifies positive test results. After verification, the MRO must refer each case to the designated management official and the appropriate ADCO or designee. The ADCO or designee notifies the employee's supervisor and the installation EAP coordinator of the verified positive test result.

d. The relevant documentation, including the positive drug test result forms that indicate a positive result is "unjustified," is provided to the EAP coordinator, who offers screening, assistance, and referral for rehabilitation and treatment services to the employee.

e. The MRO is the only individual authorized to order a reanalysis of the original sample should questions arise as to the validity of a positive test result. Such retesting is only authorized at laboratories certified by the DHHS.

f. The MRO may request quantitative levels from civilian drug-testing laboratories. However, the MRO must make such requests in writing.

g. The MRO determines whether a legitimate medical explanation exists for each positive test result. In addition, the MRO determines whether each positive result is consistent with legal drug use. If the MRO finds results to be consistent with legal drug use, he or she takes no further action.

h. The MRO does not notify the management official of a positive test verification when use is consistent with authorized use. In addition, the MRO does not report negative results.

3–5. Request to identify additional positions as testing designated positions

The Army command (ACOM), senior, or installation commander may identify certain jobs that do not fall within those listed in AR 600–85 as TDPs. To include these positions in the testing program, a prior request must be made to the ACOM, MSC, DA, and DoD. The Department of Justice and DHHS must give final approval of such requests. A formal request for authorization to test an individual in this type of specific position must be forwarded through the appropriate channels. In addition, the formal request must satisfy the requirements listed in paragraphs 3–5*a* through 3–5*e*. Decisions are made on a case-by-case basis. Under no circumstance does an earlier decision to identify a specific job as an additional TDP carry over to any other job class or similar job at another ACOM or installation. The following requirements apply:

a. The request to identify a specific job as a TDP must involve law enforcement, national security, protection of life and property, public health or safety, or other functions requiring a high degree of trust and confidence.

b. The rationale for testing must be clearly stated and completely justified. The justification must include a description of possible negative consequences if an incumbent in a listed position were to abuse drugs.

c. A copy of a current and properly executed job description, as well as a schematic of the chain of supervision, must accompany the request. The total number of DA Civilians covered by the request will be provided. If the positions are being established or a change in the number of employees is expected, it must be stated. Under no circumstance should the inclusion of a small number of employees be requested when rapid growth in that job class is forecast. If turnover is an issue, turnover rates should be specified.

d. The location where the sample will be taken must be specified, and a statement from the local DTC concerning the capability to process specimens must be included. The forensic toxicology drug-testing laboratory (FTDTL) that will normally test the requested samples must be specified.

e. Any request for designation of jobs as TDPs must be submitted through the respective ACOM and MSC for HQDA and DoD approval before testing is authorized. Requests should be sent to DCS, G–1 (DAPE–ARD), Army Resiliency Directorate, 2530 Crystal Drive (Taylor Building), Arlington, VA 22202–3941.

Chapter 4

Department of Transportation Drug- and Alcohol-Testing Program

4–1. General

a. The Commercial Drivers' License Program was established in 1986 to prevent accidents and injuries resulting from the misuse of alcohol or the use of controlled substances by drivers of commercial motor vehicles (CMVs). Section 31132, Title 49, United States Code (49 USC 31132) defines a CMV as a motor vehicle used in commerce to transport passengers or property if the motor vehicle has a gross vehicle weight rating or gross vehicle weight of at least 10,001 pounds, whichever is greater, or one designed to transport more than 15 passengers, including the driver, or one which is transporting hazardous materials and is required to be placarded under the Hazardous Materials Transportation Act.

b. The Omnibus Transportation Employee Testing Act of 1991 amended the Commercial Motor Vehicle Safety Act of 1986. The amendment implemented a program that requires alcohol and other drug testing of individuals who operate CMVs in any state. DoT rules include procedures for split urine drug testing and breathe alcohol testing.

c. The DoT's definitions of words and phrases used in this chapter are provided in the glossary.

4–2. Safety-sensitive functions

The following functions performed by drivers while on duty are considered to be safety-sensitive:

a. Operating a CMV or waiting to be dispatched.

b. Remaining in readiness to operate a CMV.

c. Ensuring the following parts and accessories are in good working order:

(1) Service brakes, including trailer brake connections.

- (2) Parking (hand) brake and steering mechanism.
- (3) Lighting devices and reflectors.
- (4) Tires, horns, windshield wipers.
- (5) Rear-view mirrors and coupling devices.
- d. Ensuring the following are in place and ready for use, as appropriate:
 - (1) Fire extinguishers; fuses, and spare fuses.
 - (2) Warning devices for stopped vehicles.
 - (3) Emergency reflective triangles.
 - (4) Red emergency reflectors and flags.
- e. Inspecting, servicing, or conditioning a CMV.
- f. Loading or unloading, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, or giving or receiving receipts for shipments loaded or unloaded.
- g. Repairing of, obtaining assistance for, or remaining in attendance with a CMV.
- h. Being on or upon a CMV, except time spent in a sleeper berth.
- i. Rendering reasonable assistance to an injured person; providing a name, an address, or another piece of pertinent information to any person demanding it; or reporting an accident after being involved in one that results in the injury or death of a person or in any amount of property damage.
- j. Taking reasonable efforts to locate the custodian of a vehicle and placing one's name, address, and bureau identification on the standing vehicle after hitting an unattended vehicle standing upon a highway.

4-3. Prohibited conduct and consequences (Department of Transportation rules and prohibitions)

- a. The performance of safety-sensitive functions identified above in paragraph 4-2 is prohibited when a driver—
 - (1) Uses alcohol while on duty.
 - (2) Possesses an alcohol concentration of 0.04 percent or greater as indicated by an alcohol breath test. In addition, any driver who—
 - (a) Has an alcohol concentration that is greater than 0.02 percent but is less than 0.04 percent on a confirmation test is to be considered unfit for duty. He or she cannot return to duty until 24 hours after the confirmation test. (A return-to-duty test is not required.)
 - (b) Exhibits a behavior or appearance that suggests alcohol misuse when a breath test cannot be conducted must be immediately removed from performing safety-sensitive duties for at least 24 hours. (A return-to-duty test is not required.)
 - (3) Possesses alcohol, unless the alcohol is manifested and transported as part of a shipment.
 - (4) Uses alcohol within 4 hours of performing safety-sensitive duties.
 - (5) Refuses to submit to alcohol or other drug testing. (Applicants who refuse to submit to drug testing will not be offered employment.)
 - (6) Uses alcohol within 8 hours after an accident or until tested.
 - (7) Uses a controlled substance, except when the use is prescribed by a physician who has advised the driver that the driver's ability to safely operate a vehicle will not be adversely affected by the use of the controlled substance.
 - (8) Tests positive for a controlled substance, except when the use is prescribed by a physician who has advised the driver that the driver's ability to safely operate a vehicle will not be adversely affected by the use of the controlled substance.
- b. A driver who engages in prohibited conduct must be immediately removed from safety-sensitive functions. Such a driver must not return to safety-sensitive duties until he or she has been evaluated by a SAP and has complied with any treatment recommendations to assist him or her with an alcohol or drug problem. In addition, a supervisor or manager who has knowledge of a violation must not permit the driver to perform safety-sensitive functions.

4-4. Categories of testing and required procedures

- a. To deter the misuse of alcohol or the use of controlled substances by drivers, the DoT requires employers to implement six categories of alcohol and drug testing. (While similar to the DFW Program categories of drug testing, the DoT categories have different requirements and procedures that are detailed in 49 CFR 40 and 49 CFR 382, subpart C.)
- b. At the workplace or installation, effective implementation of DoT alcohol or other drug testing requires the involvement of the—
 - (1) Supervisor.
 - (2) ADCO.

- (3) EAP coordinator.
- (4) DTC.
- (5) DoT-qualified collector.
- (6) DoT-qualified screening test technician (STT).
- (7) DoT-qualified breath alcohol technician (BAT).
- (8) Installation SAP.
- (9) Servicing CPAC.

c. The DoT categories of alcohol and other drug testing are as follows:

(1) *Reasonable suspicion alcohol and drug testing.* A supervisor who has been trained according to DoT rules initiates testing when reasonable suspicion exists that a driver has violated a DoT prohibition (for example, used a controlled substance or misused alcohol); mere hunches or rumors are not sufficient to initiate this type of testing. A supervisor must base reasonable suspicion on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odor of the driver in question. The observations may include indications of the chronic use or withdrawal effects of controlled substances. A properly trained supervisor must determine that reasonable suspicion exists before testing. A trained supervisor is one who has received at least 60 minutes of training on alcohol misuse and has received at least an additional 60 minutes of training on controlled substance use that covered the physical, behavioral, speech, and performance indicators of probable alcohol misuse and controlled substance use.

(a) An alcohol test is only authorized if a supervisor makes the observations required above during, just preceding, or just after the period of the workday in which a driver must perform. The supervisor documents the determination and consults with the next higher-level supervisor and the servicing CPAC before initiating the test. The supervisor notifies the DTC immediately and arrange for the test, which is conducted promptly. If a test is not administered within 2 hours of the time that the supervisor decided to conduct the test, the supervisor documents the reason for the delay. If the test is not administered within the 8 hours following the determination to test, the supervisor ceases all attempts to test and states the reasons for not administering the test. Notwithstanding the absence of a reasonable suspicion alcohol test under this section, no driver will report for or remain on duty performing safety-sensitive functions while under the influence of or impaired by alcohol, as shown by the behavioral, verbal, and performance indicators of alcohol misuse, nor does a supervisor permit the driver to perform safety-sensitive functions until one of the following two conditions are met:

- 1. An alcohol test is administered and the employee's alcohol concentration measures less than 0.02 percent.
- 2. A period of 24 hours has elapsed following the determination that there is reasonable suspicion to believe that the driver has violated the conduct prohibitions concerning the use of alcohol.

Note. With the exception above, no supervisor will take any action against a driver based solely on the driver's behavior and appearance with respect to alcohol use in the absence of an appropriate test.

(b) The supervisor initiates drug testing when there is reasonable suspicion that an employee uses illegal drugs. Hunches or rumors are not sufficient reason to conduct a reasonable suspicion drug test. (Para 4-4c(1) contains required observations.) When the supervisor suspects that a driver is using a controlled substance, the supervisor will—

1. Gather all information, facts, and circumstances that led to and supported the suspicion and meets with the higher-level supervisor, the SJA, and the servicing CPAC to review the evidence. The supervisor records the observations that led to the controlled substance reasonable suspicion test. The supervisor has the supervisor or management official who observed the employee sign the record within the 24-hour period following the observed behavior or before the result of the controlled substance test is released, whichever is earlier. The supervisor prepares the notification to test. The higher level supervisor approves the notification after coordination with the SJA and the CPAC.

2. Notify the DTC and provide the information necessary to arrange for the reasonable suspicion drug test, which will be conducted as soon as possible on the same day that the test was approved.

3. Promptly notify the CPAC when the driver is to be tested for reasonable suspicion and if the driver is found to have used illegal drugs.

(2) *Accident or unsafe practice post-accident testing.* An accident test should be conducted as soon as practical following an accident involving a CMV. Upon the occurrence of a CMV accident—

(a) The Army will test the driver who was performing the safety-sensitive functions with respect to the vehicle for alcohol and controlled substances. If the accident involved the loss of human life or the driver received a citation under state or local law for a moving traffic violation arising from the accident and the test is not administered within the 2-hour period immediately following the accident, the supervisor records the reason the test was not adminis-

tered promptly. If the test is not administered within 8 hours following the accident, the supervisor will cease attempts to administer an alcohol test and will prepare and maintain the same record.

(b) A controlled substance test (drug test) should be administered as quickly as possible. If the test is not administered within the 32-hour period immediately following the accident, the supervisor will cease attempts to administer a drug test and record the reason the test was not administered promptly.

(c) The driver who is subject to accident testing will remain readily available for such testing, or the driver may be deemed to have refused to submit to testing.

(d) The guidance in this section contains nothing that will be construed to require the delay of necessary medical attention for injured people or for the driver from leaving the scene of an accident for the period necessary to obtain assistance or medical treatment.

(e) The supervisor will provide the driver with necessary post-accident information, procedures, and instructions so the driver can comply with the given requirements.

(f) The results of a breath, urine, or blood test conducted by Federal, state, or local officials having independent authority for the test will be considered to meet the requirements of this section, provided such a test conforms to applicable requirements and the employer obtains the test result.

(3) *Return-to-duty alcohol and drug testing.* Guidance for return-to-duty alcohol and drug testing is as follows:

(a) *Alcohol test.* Before the driver can resume performing safety-sensitive duties after having engaged in conduct prohibited by the applicable law and regulation, the driver must undergo a return-to-duty alcohol test and show an alcohol concentration less than 0.02 percent.

(b) *Drug test.* Before the driver can resume performing safety-sensitive duties after having engaged in conduct prohibited by the controlled substance rules, the driver must undergo a return-to-duty drug test showing a verified negative test result.

(4) *Follow-up testing.* After enrolling in a substance-abuse treatment program or successfully completing a substance-abuse rehabilitation program and returning to duty, a driver is subject to unannounced follow-up testing for at least 12 but not more than 60 months. The supervisor, in consultation with the EAP coordinator, the SAP, and the CPAC, ensures six follow-up tests are completed within the first 12 months. When conducting follow-up testing—

(a) The follow-up test is separate from and in addition to the regular random testing program. A driver subject to follow-up testing remains in the random testing pool. In addition, the driver is tested whenever chosen for random testing.

(b) The supervisor meets with the driver and obtains written acknowledgment that the driver is aware of the requirement for follow-up testing.

(c) The supervisor notifies the ADCO and provides all information necessary to arrange for the follow-up testing, which will test for all drugs approved for testing by DHHS.

(5) *Applicant testing.* A DA applicant tentatively selected for appointment to a civilian driver position that is subject to the DoT rules described in 49 CFR 382 is required to participate in applicant drug urinalysis testing. This testing is designed to remove applicants who use illegal drugs from consideration. Applicant drug testing of a civilian tentatively selected for a position requiring a negative drug urine test can be conducted at either the gaining installation or a remote installation that is located in the same geographical location in which the individual lives. Testing must be conducted at a DoD/DHHS-certified forensic drug-testing laboratory, as specified by the DA; results from other laboratories will not be accepted. In addition—

(a) An applicant who currently occupies a driver position that is subject to the DoT rules within the DoD does not require applicant testing.

(b) A tentatively selected applicant is required to sign DA Form 7412 (Condition of Employment for Certain Civilian Positions Identified Safety-Sensitive Under the Department of Transportation, Federal Highway Administration Rules on Drug and Alcohol Testing) acknowledging the DA's right to require selectees to participate in random drug urinalysis testing. A copy of DA Form 7412 is available on the APD website (<https://armypubs.army.mil>).

(c) An applicant who is not a current DA Civilian and who refuses to be tested must be refused employment. An applicant with a verified positive test result will be refused employment. An application from such an individual will not be considered for employment for a period of 6 months from the date of the test result.

(6) *Random testing.* Random testing is a scientifically valid system of testing imposed without individualized suspicion that a particular individual is using illegal drugs or misusing alcohol. Every driver will have an equal chance of being tested each time a selection is made.

(a) *Frequency of random testing.* Random testing of drivers will occur at the minimum rates annually for alcohol and controlled substances, which are adjustable by the Federal Highway Administration (FHWA). Each year, the FHWA will publish in the Federal Register the minimum annual percentage rate for alcohol and other drug testing

of drivers. The testing will be conducted monthly and will be distributed evenly throughout the calendar year. A driver selected for testing may undergo both alcohol and other drug testing. In some cases because the testing rates differ, the driver may undergo drug testing only. Employees will report to the testing facility within 2 hours of notification. An individual who is off-site must report to the collection site no more than 6 hours after notification.

(b) Identification. The—

1. ADCO prepares a memorandum tasking all directorates to identify all installation civilian driver positions that meet the applicability criteria provided in AR 600–85 for the senior commander/installation commander to sign. The management official(s) ensures that the identified position descriptions of all DoT safety-sensitive positions clearly document the safety-sensitive functions of the positions.

2. ADCO, with the assistance of management officials, will establish and maintain an updated DoT driver roster that identifies the incumbents in DoT driver positions. In addition, the ADCO will provide a copy of the roster to the DTC or designee. The DoT driver roster may be in any format but will contain, at a minimum, the position title and number of the incumbent; the name, Social Security number, and work telephone number of the incumbent; the name, work telephone of the first-line supervisor; and the date that the supervisor was trained regarding the DoT Testing Program.

3. Management official manages the issuance of the 30-day individual notice to the incumbent of a DoT safety-sensitive position and the requirement for DA Form 7412.

(c) Notification. The—

1. DTC or other individual, as designated by the ADCO, uses a scientifically approved selection process to notify the first-level supervisor of the driver selected for random alcohol and/or other drug testing within 2 hours of the scheduled testing. An individual who is off-site must report to the collection site no more than 6 hours after notification. If the first-level supervisor is unavailable, the next higher-level supervisor will be contacted. The DTC or designee should record the name of the selected driver, the name of the supervisor, the time notified, and the time scheduled for sample collection in an MFR.

Note. A driver will only be tested for alcohol while the driver is performing safety-sensitive functions or just before or just after ceasing to perform such functions.

2. A supervisor privately explains to the driver that he or she is under no suspicion of taking alcohol or other drugs, that the employee's name was selected randomly, and that the employee is to report promptly to the testing facility point with photographic identification. The supervisor should record the name of the individual advised to report for alcohol and/or other drug testing, the time notified, and the time the employee was advised to report for random testing in an MFR.

3. Supervisor of a driver who works shift duty or is assigned special duty hours (that is, not the normal day shift of 0800–1700 hours) advises the DTC, who develops a plan for testing the employee.

(d) Not available to test. The supervisor notifies the DTC or designee promptly when a driver selected for random testing is unavailable for testing because of a leave or travel status. The supervisor records why the driver was unavailable. (The supervisor should not approve leave once a driver has been selected for a random test.) If an employee is unavailable for testing because of leave or travel status, the DTC or designee reschedules the employee for an unannounced testing within the 60-day period immediately following the initial test.

(e) Failure to appear or to provide an alcohol or drug sample. When an individual fails to appear or to provide an alcohol or drug sample, the —

1. ADCO or designee notifies the supervisor of the refusal to provide a sample (urine or breath) or the failure to report to the designated collection site within the designated time. The DTC or designee documents the failure to appear for testing or the refusal to provide a sample and provide a copy of the documentation to the employee's first-line supervisor.

2. The supervisor then notifies the individual's higher level supervisor and servicing CPAC.

Note. The DTC or designee ensures that the random selection for testing is distributed evenly throughout the year. Effective deterrence requires a random selection process, which ensures that each employee subject to random testing believes that he or she may be required to provide a urine and/or breath sample any day he or she reports to work.

4–5. Specimen collection

a. Drug test. The designated collector will have successfully completed the required training and will have met all collection requirements prescribed by DoT alcohol and other testing rules and procedures (49 CFR 40). The

DTC-collector uses the split sample method of selection, follows the procedures identified in 49 CFR 40, and ensures chain-of-custody procedures are followed at all times.

b. Breath alcohol test. The following guidance applies to breath alcohol testing:

(1) The designated individual who fills the roles of BAT and STT at the installation is trained to proficiency in operating the breath-testing device. In addition, the BAT–STT technician is able to provide documentation that he or she has met the collection requirements prescribed by the DoT alcohol, and other, testing rules and procedures identified in 49 CFR 40.

(2) The BAT–STT technician follows all alcohol testing procedures provided in 49 CFR 40 and uses only the DoT-prescribed breath alcohol testing form.

(3) The BAT–STT immediately notifies the supervisor of all breath test results, of any refusal by a driver to participate in testing or to sign the necessary forms, or whenever a subject is unable to provide an adequate amount of breath. The BAT–STT fully documents, and maintain the documentation of, all notifications.

(4) The BAT–STT immediately contacts a driver’s supervisor if a driver’s result requires their removal from duty performing safety-sensitive functions. The purpose of this notification is to confirm the test result, to advise of the requirement to remove the employee from performing safety-sensitive functions, and to request that the supervisor arrange for transportation of the driver back to the worksite, because the driver will not be allowed to operate a vehicle. In addition, the BAT–STT advises the supervisor to notify the CPAC and to obtain additional guidance concerning the employee’s removal from duty, performing safety-sensitive functions. The BAT–STT documents the discussion with the supervisor and provides a copy of the record and the employer’s copy of OMB Form 2105–0529 (U.S. Department of Transportation Drug and Alcohol Testing MIS Data Collection Form) to the driver’s supervisor and the ADCO. A driver—

(a) Must be removed for 24 hours if the driver’s breath alcohol test is at least 0.02 percent but is less than 0.04 percent.

(b) Cannot perform safety-sensitive functions until he or she is evaluated by an installation SAP if their confirmation test is 0.04 percent or greater.

(5) The EAP coordinator arranges for an evaluation with the driver, the supervisor, and the installation SAP when the driver’s test result requires SAP evaluation.

(6) The driver’s record is disclosed and maintained according to 49 CFR 40, subpart C, sections 40.81 and 40.83.

4–6. Medical review

a. The laboratory result of a test (positive or negative) is forwarded to the MRO. The MRO is responsible for reviewing, evaluating, and interpreting a confirmed positive test result. The MRO contacts the applicant or DA Civilian with the positive test result and provides the individual with an opportunity to document authorized use of the identified drug. Face-to-face contact is not required. Authorized-use documentation examples include medical records, valid prescriptions, or other pertinent data. The MRO advises the employee that he or she has 72 hours in which to request a test of the split specimen.

b. An MRO who determines that no medical justification for the positive result exists then refers the case to the designated management official. This is the ADCO or a designee, who then notifies the employee’s first-line supervisor, and the installation EAP coordinator, who then coordinates a SAP evaluation with the driver, the first-line supervisor, and the installation SAP.

c. The management official is not notified of the verification of a positive test result when the individual’s use is determined to be consistent with authorized use. Negative results are not to be reported.

d. The MRO takes all steps necessary to ensure the confidentiality of medically sensitive information obtained during the review process. Specific information for the MRO on reporting requirements, records retention, and disclosure of information in third-party cases is contained in 49 CFR 40. The MRO is the custodian of such medically sensitive information and is both legally and professionally responsible for its security. Privacy Act requirements for safeguarding these records fully apply.

4–7. Installation substance abuse professional evaluation

a. The installation SAP evaluation provides a comprehensive face-to-face assessment and clinical evaluation to determine if a DA Civilian driver needs assistance resolving problems associated with alcohol use or prohibited drug use. If the resulting evaluation determines that the DA Civilian needs assistance, the installation SAP recommends a course of treatment with which the employee must demonstrate successful compliance prior to returning to DoT safety-sensitive functions.

b. The SAP must be a licensed physician or a licensed or certified psychologist, social worker, EAP coordinator, or certified addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol- and controlled substance-related disorders. The—

(1) The basic responsibilities of the SAP are evaluation, referral, and follow-up evaluation and testing. The DoT's Procedures Guidelines for Transportation Workplace Drug and Alcohol Testing Programs (49 CFR Part 40) outline the specific duties and responsibilities of the SAP.

(2) The commanders of medical department activities or medical centers designate a qualified SAP to conduct required clinical evaluations at the installation.

(3) The installation EAP coordinator may coordinate the evaluation with the driver, the driver's supervisor, and the SAP if a SAP evaluation is required. In addition, the EAP coordinator may function as the supervisor's primary point of contact. The EAP coordinator, in consultation with the SAP (provided the DA Civilian has signed the civilian employee consent statement), may inform the supervisor of the ongoing status of the driver's rehabilitation or treatment.

Appendix A

References

Section I

Required Publications

AR 40–3

Medical, Dental, and Veterinary Care (Cited in para 2–5a.)

AR 40–66

Medical Records Administration and Health Care Documentation (Cited in para 2–5a.)

AR 40–400

Patient Administration (Cited in para 1–4a.)

AR 50–5

Nuclear Surety (Cited in para 3–2f(6)(b).)

AR 50–6

Chemical Surety (Cited in para 3–2f(6)(b).)

AR 380–67

Personnel Security Program (Cited in para 2–3k.)

AR 600–85

The Army Substance Abuse Program (Cited in the title page.)

Section II

Related Publications

A related publication is a source of additional information. The user does not have to read it to understand this pamphlet. Unless otherwise indicated, publications are available at <https://armypubs.army.mil>. DoD material is available at <http://www.esd.whs.mil/>. The FAR is available at <https://www.acquisition.gov/browsefar>. PLs, the CFR, and USCs are at <https://www.govinfo.gov/>.

AR 25–30

Army Publishing Program

DoDI 1010.04

Problematic Substance Use by DoD Personnel

DoDI 1010.09

DoD Civilian Employee Drug-Free Workplace Program

EO 12564

Drug-Free Federal Workplace (Available at <https://www.federalregister.gov/executive-orders/>.)

FAR 23.500

Drug-Free Workplace

FAR 52.233–6

Drug-Free Workplace; in solicitations and contracts

PL 92–255

Drug Abuse Office and Treatment Act of 1972

PL 95–454

Civil Service Reform Act of 1978

PL 99–570

Federal Employees Substance Abuse Education and Treatment Act of 1986

PL 100–71

Supplemental Appropriations Act of 1987

PL 100-690

Anti-Drug Abuse Act of 1988

PL 102-143

Omnibus Transportation Employee Testing Act of 1991

5 CFR, Part 752

Adverse Actions

49 CFR, Part 40.1

Procedures for Transportation Workplace Drug and Alcohol Testing Programs

49 CFR, Part 382

Controlled Substances and Alcohol Use and Testing

5 USC 552a

Privacy Act of 1974

5 USC 7101

Federal Service Labor-Management Relations Act

5 USC 7301

Presidential Regulations

5 USC 8331

Definitions

21 USC 1102

Drug Abuse Prevention, Treatment, and Rehabilitation Act (formerly the Drug Abuse Office and Treatment Act of 1972)

42 USC 290dd-2

Confidentiality of Records

42 USC 4541, Chapter 60

Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970

49 USC 31132

Definitions

Section III

Prescribed Forms

Unless otherwise indicated, DA forms are available at <https://armypubs.army.mil/>.

DA Form 5017

Civilian Employee Consent Form (Prescribed in para 2-1*a*.)

DA Form 5019

Condition of Employment for Certain Civilian Positions Identified Critical Under the Department of the Army Drug-Free Federal Workplace Program (Prescribed in para 3-2*e*(2).)

DA Form 7412

Condition of Employment for Certain Civilian Positions Identified Safety-Sensitive Under the Department of Transportation, Federal Highway Administration Rules on Drug and Alcohol Testing (Prescribed in para 4-4*c*(5)(*b*).)

Section IV

Referenced Forms

Unless otherwise indicated, DA forms are available at <https://armypubs.army.mil/>.

DA Form 2028

Recommended Changes to Publications and Blank Forms

OMB Form 2105-0529

U.S. Department of Transportation Drug and Alcohol Testing MIS Data Collection Form (Available at https://www.esd.whs.mil/directives/forms/omb_forms/.)

Glossary

Section I

Abbreviations

ACOM

Army command

ADCO

alcohol drug control officer

APD

Army Publishing Directorate

AR

Army regulation

ARD

Army Resiliency Directorate

ASAP

Army Substance Abuse Program

BAT

breath alcohol technician

CD

clinical director

CFR

Code of Federal Regulations

CMV

commercial motor vehicle

CPAC

Civilian Personnel Advisory Center

DA

Department of the Army

DAMIS

Drug and Alcohol Management Information System

DAPE

Director of Program Analysis and Evaluation

DCS, G-1

Deputy Chief of Staff, G-1

DFW

drug-free Federal workplace

DHHS

Department of Health and Human Services

DoD

Department of Defense

DoDD

Department of Defense directive

DoDI

Department of Defense instruction

DoT

Department of Transportation

DTC

drug testing coordinator

EAP

Employee Assistance Program

EO

executive order

FAR

Federal Acquisition Regulation

FHWA

Federal Highway Administration

FTDTL

forensic toxicology drug-testing laboratory

HQDA

Headquarters, Department of the Army

MFR

memorandum for record

MRO

medical review officer

MSC

major subordinate command

MTF

military treatment facility

PRP

Personnel Reliability Program

SAP

substance abuse professional

SJA

staff judge advocate

STT

screening test technician

SUD

substance use disorder

SUDCC

Substance Use Disorder Clinical Care

TDP

testing designated position

VA

Veterans Administration

Section II**Terms****Air blank**

A reading by an evidential breath test of ambient air containing no alcohol.

Alcohol

The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl and isopropyl alcohol.

Alcohol abuse

Any irresponsible use of an alcoholic beverage that leads to misconduct, unacceptable social behavior, or impairment of an individual's performance of duty, physical or mental health, financial responsibility, or personal relationships.

Alcohol and drug control officer

The person having staff responsibility for implementing, operating, and monitoring the ASAP at the Army command, installation, or major tenant unit level.

Alcohol level

The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test. For example, a breath alcohol concentration of 0.04 means 0.04 grams (4/100 of 1 gram) of alcohol in 210 liters of expired deep lung air.

Alcohol use

The consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

Alcoholism

A treatable, progressive condition or illness characterized by excessive consumption of alcohol to the extent that the individual's physical and mental health, personal relationships, social conduct, or job performance is impaired.

Army Substance Abuse Program

A personnel program that includes deterrence, prevention, education, risk reduction, and Employee Assistance Program services. The ASAP is responsive to the chain of command and supports the morale, safety, and combat readiness of the Army.

Breathe alcohol technician

An individual who instructs and assists individuals in the alcohol-testing process and operates an evidential breath-testing device.

Chain of custody

Procedures to account for the integrity of each urine specimen or aliquot, by tracking, handling, and storing from point of specimen collection to the final disposition of the specimen. Documentation of this process must include the date and purpose each time a specimen or aliquot is handled or transferred and identification of each individual in the chain of custody.

Commercial motor vehicle

A motor vehicle used in commerce to transport passengers or property if the motor vehicle has a gross vehicle weight rating or gross vehicle weight of at least 10,001 pounds, whichever is greater, or one designed to transport more than 15 passengers, including the driver, or one which is transporting hazardous materials and is required to be placarded under the Hazardous Materials Transportation Act.

Confirmation

The process of using a second analytical procedure to identify the presence of a specific drug or metabolite that is independent of the initial test and that uses a different technique and chemical principle from that of the initial test in order to ensure reliability and accuracy.

Driver

Any person who operates a commercial motor vehicle. For the purposes of pre-employment testing, "driver" includes a person applying to drive a commercial motor vehicle.

Drug abuse

The use or possession of controlled substances or illegal drugs or the nonmedical or improper use of other drugs (for example, prescription and over-the-counter medications) that are packaged with a recommended safe dosage. This includes the use of substances for other than their intended use (for example glue and gasoline fume sniffing or steroid use for other than that which is specifically prescribed by competent medical authority).

Drugs

Marijuana, opiates, PCP, amphetamines, and cocaine are the drugs for which personnel are tested.

Employee Assistance Program short-term counseling

The process whereby the Employee Assistance Program coordinator provides short-term guidance, advice, education, and mediation to civilian employees towards resolution of employee problems and issues.

Employer

Any person (including the United States, a state, the District of Columbia, or a political subdivision of a state) who owns or leases a commercial motor vehicle or assigns persons to operate such a vehicle, including agents, officers, and representatives of the employer.

Enrollment

The formal action taken by an ASAP clinician, in consultation with the commander, to enter a Soldier into the ASAP.

Evidential breath testing device

A device approved by the National Highway Traffic Safety Administration for the evidential testing of breath and placed on the National Highway Traffic Safety Administration's "Conforming Products List of Evidential Breath Measurement Devices."

Family member

A spouse or minor child of a Soldier or a DA Civilian. Use of the term in this regulation is intended to include only persons eligible for ASAP services by law or regulation.

Follow-up testing

The unannounced testing that may be administered during or after counseling or rehabilitation. It is not to be confused with testing that is undertaken as part of rehabilitation or counseling (that is, rehabilitation testing). Only verified results of follow-up testing may be used to support an adverse action.

Forensic

Suitable for a court of law, public debate, or argument

Initial test

A screening test to identify those specimens that are negative for the presence of drugs or their metabolites. When negative, these specimens need no further examination and need not undergo a more costly confirmation test.

Medical evaluation

The examination of an individual by a physician to determine whether there is evidence of alcohol or other drug abuse or dependency.

Medical review officer

A licensed physician responsible for receiving laboratory results generated from a drug test who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an employee or applicant's confirmed positive test result together with their medical history and any other relevant biomedical information.

Performing (a safety-sensitive function)

Any period in which the driver is actually performing, ready to perform, or immediately able to perform any safety-sensitive functions.

Prevention procedures

Those actions designed to increase the likelihood that individuals will make responsible decisions regarding the use of alcohol or other drugs. Those actions taken to eliminate to the extent possible abuse or misuse of alcohol or other drugs.

Random testing

Testing that occurs without suspicion that a particular individual is using illegal drugs.

Reasonable suspicion

An articulable belief that an employee uses illegal drugs or misuses alcohol from specific and particularized facts and reasonable inferences from those facts.

Refusal to submit (to an alcohol or controlled substance test)

A driver who—

- a. Fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing.
- b. Fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing.
- c. Engages in conduct that clearly obstructs the testing process.

Rehabilitation team

A coordinating group consisting of the Soldier, the unit commander and/or first sergeant, the ASAP clinical staff, and other appropriate personnel, as required (for example, clinical director, chaplain, physician, and so on). The team reviews all pertinent information about the Soldier and recommends to the commander when rehabilitation is required. It selects the appropriate rehabilitation track and assists the commander in setting standards of behavior and goals for evaluation of the Soldier's progress in rehabilitation.

Split specimen

An additional specimen collected with the original specimen to be tested in the event the original specimen tests positive.

Testing designated position employee

A DA Civilian who holds a position identified by the Army as having critical safety or security responsibilities related to the Army mission.

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