

**VA**



U.S. Department  
of Veterans Affairs



## Employee Relations and Labor Relations

Drug-Free Workplace Program

Standard Operating Procedure (SOP)

A301

Veterans Benefits Administration

1800 G Street, NW

Washington, DC 20006

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# Contents

## Table of Contents

1.0	Introduction .....	3
2.0	Purpose .....	3
3.0	Policy .....	3
4.0	Scope/Applicability .....	3
5.0	Detailed Process .....	3
5.1	Roles and Responsibilities .....	3
5.2	Procedures .....	5
	A. Testing Designated Positions (TDP) .....	5
	B. Testing Procedures .....	6
	C. Reasonable Suspicion Testing .....	7
	D. Injury, Illness, or Unhealthful Practice Testing .....	8
	E. Voluntary Testing .....	9
	F. “Safe Harbor” Voluntary Referral to EAP .....	10
	G. Follow-up Testing .....	10
	H. Testing Results .....	11
	I. Records .....	11
5.3	Reporting Requirements .....	12
6.0	Authority, Related Handbooks, Procedures, References, and Guidelines .....	13
7.0	Terms & Definitions .....	13
8.0	Form(s) .....	14
9.0	Attachments .....	15



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**Revision History**

This section is intended to record any changes made to the SOP and to implement document version control.

Revision Date	Revised By	Summary of Changes

**Approvals**

This document requires final approval from the following people:

Name	E-Signature	Title	Date of Issue	Version
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**Contact Information**

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## 1.0 Introduction

The Employee Relations & Labor Relations (ER/LR) division in coordination with VA Handbook 5383 will assist with ensuring the Veterans Benefits Administration remains compliant with the Drug-Free Workplace Program (DFWP). The contents of this SOP will provide clarification on VA policy, VBA processes and procedures, monthly and annual reporting requirements. All items covered in this SOP are subject to updates, changes, and amendments by direction of the VA Handbook 5383 policy and its designated authorities when warranted or required.

## 2.0 Purpose

To provide guidance and describe processes for the administration of the Veterans Benefits Administration & Employee Management, Oversight & Security (EMOS) Drug-Free Workplace Program (DFWP).

## 3.0 Policy

It is the policy of VA, that its workplace and employees are free from illegal use, possession, or distribution of controlled substances. The possession and distribution of controlled substances will be dealt with promptly in accordance with legal and administrative disciplinary procedures. However, the primary goal is to ensure that illegal drug use is prevented and that the VA workplace is safe and secure. VA DFWP Policy can be found in VA Directive and Handbook 5383. This SOP does not cover testing for suspicion of being under the influence of alcohol. There is presently no VA policy that authorizes alcohol testing for its employees so the VA has no authority under its administrative regulations to order an employee to undergo a blood test or breathalyzer test for suspected use of alcohol. If there is a suspicion of alcohol use, please contact your HR Liaison for further guidance.

## 4.0 Scope/Applicability

This SOP applies to all Regional Offices, Central Offices, and Human Resource Centers (HRCs) within VBA.

## 5.0 Detailed Process

### 5.1 Roles and Responsibilities

- **Director's Suite Designee (DSD)** – It is the responsibility of the DSD to:
  - Be the contact for the DPC at the Regional Office, Central Office or HRC.
  - Follow through on responsibilities associated with the DFWP as defined in [section 5.2 Procedures](#) and [5.3 Reporting Requirements](#).
  - Ensure the employee receives appropriate testing as defined in [section 5.2 Procedures, section B Testing Procedures](#).
- **Drug Program Coordinator (DPC)** – It is the responsibility of the DPC to:
  - Coordinate with the director's suite designee to ensure the overall management of the drug-testing program is successful.
  - Provide guidance and assistance to management .
  - Provide training as required to ensure all of VBA is aware of the processes, procedures, and policies associated with the DFWP.
  - Ensure monthly and annual data is recorded relating to the DFWP.



- Ensure compliance with established procedures; and
- Prepare reports on the program as required.
  
- **Drug Program Coordinator Workgroup** – It is the responsibility of the DPC workgroup to:
  - Develop the Drug Free Workplace Program (DFWP) SOP.
    - The SOP should include sufficient detail that allows for a consistent repeatable process.
  - To make regular updates and corrections as processes change.
  - Review the document routinely (at a minimum bi-annually) to ensure the content remains current and valid.
  
- **Employees' Supervisor** – It is the responsibility of the employees' supervisor to:
  - Ensure they communicate with the DSD to ensure proper attention and escalation involved with testing procedures is provided as defined in [section 5.2 Procedures, section B Testing Procedures](#).
  - Closely observe their employees' conduct and performance to determine abnormal performance, conduct, or erratic behavior in the workplace setting indicative of possible illegal drug use and immediately gather all information;
  - Document the facts, circumstances, and observations using the [Supervisory Impaired Checklist](#);
  - Discuss with the director's suite designee and obtain their concurrence, and contacting the DFWP Coordinator to discuss the possibility of reasonable suspicion drug testing.
  - Notifying their employees of random testing and providing employee briefings and/or fact sheet(s).
  - Ensuring they are familiar with [VA Directive/Handbook 5383](#) and their role in the VA DFWP.
  
- **HR EMOS Assistant Director** – It is the responsibility of the Assistant Director to review and approve SOP before its use.
  
- **ER/LR Supervisor** – It is the responsibility of the supervisor to:
  - Lead the DPC workgroup and ensure periodic reviews of the SOP are scheduled and take place.
  - Review and approve the SOP before its use.
  - Engage with internal and external partners as necessary to confirm agency regulatory requirements and obtain final approval of the SOP
  
- **Medical Review Officer (MRO)** – It is the responsibility of the MRO to:
  - Receive and review test results
  - Assure that an individual who has tested positive has been allowed to justify the test result
  - Confirm all positive results.
  
- **Regional Office Director, Central Office Director, and HRC Director** – It is the responsibility of the facility Director to:



- Ensure all their staff, including supervisors are aware of the DFWP and their responsibilities
  - Ensure training is conducted upon hire and on an annual basis in collaboration with HCS ER/LR
- o **QA/Policy Division** – It is the responsibility of QA and the Policy Branch to:
    - Review and approve the SOP before its use; and
    - Oversee the appropriate preparation, numbering, retention, indexing, revision, and use of SOPs.

## 5.2 Procedures

### A. Testing Designated Positions (TDP)

The full list of positions designated for random drug testing is listed in Appendix A of Part I in VA Handbook 5383, along with the criteria and procedures applied in designating such positions for drug testing ([See Attachment A](#)). Be advised that these drug testing positions are subject to change upon classification and department needs of the VA.

A full description of TDP is available in Appendix A of Part I VA Handbook 5383.

#### **For VBA TDPs are**

- o All Senior Executive Service (SES) Employees

The following positions are covered **ONLY** if the incumbent is required to have a top-secret or secret security clearance and/or has direct patient care responsibilities:

- o Non-SES Directors
- o Associate Directors and Assistant Directors of all VA field facilities
- o VBA Division Chiefs
- o Regional Counsels
- o GS-15 positions in VA Central Office

#### **Regulatory Notice**

During the onboarding process, when required by the hiring authority, the Staffing HR Specialist and HR Specialist Assistant (R&P) shall assure that [a written notice](#) is given, to each employee in a testing designated position subject to random testing, no later than 30 days before testing commences. A copy of the DFWP General Notice (Appendix D of VA Handbook 5383) should be attached to the specific notice. Employees must sign acknowledging receipt of the notice (See [Attachment B](#), and [C](#)).

Employees entering into positions subject to random testing by transfer, promotion, reassignment or any other personnel action will be given a notice at the time the personnel action is effected.



## B. Testing Procedures

### (1) Applicant Testing

Vacancy Announcements: The following notice will be included in all VA vacancy announcements for testing designated positions: *"All applicants tentatively selected for VA employment in a testing designated position are subject to urinalysis to screen for illegal drug use prior to appointment. Applicants who refuse to be tested will be denied employment with VA."*

Each applicant will be notified that an appointment to the position will not be effected upon a verified positive drug test result. Failure of the vacancy announcement to contain this statement will not preclude applicant testing if advance written notice is provided to applicants in some other manner.

Upon notification that an individual has been tentatively selected for employment in a testing designated position, the HR Specialist (R&P) responsible for scheduling pre-employment physicals will schedule applicant drug testing and direct applicants to the appropriate facility for specimen collection. The drug test must be undertaken as soon after notification as possible, and no later than 48 hours after notice to the applicant. Where appropriate, applicants may be reimbursed for reasonable travel expenses.

Applicants who refuse to be tested will be denied employment with the VA.

### (2) Random Testing

Employees who occupy positions designated as testing designated positions are subject to a monthly random selection process. A random listing of employees to be tested will be generated and will be communicated to the VBA Drug Program Coordinator (DPC). This process will be in effect for every Regional Office, Central Office, and Human Resource Center (HRCs).

The DPC will be responsible for notifying the director's suite designee of the employee's selection for random testing.

The director's suite designee will be responsible for notifying the employee and scheduling for specimen collection. Notification to report for specimen collection will occur on the same day, preferably within two (2) hours, of the scheduled collection. The director's suite designee is responsible for providing a drug testing confirmation upon completion of testing to the Drug Program Coordinator (DPC) within 24 hours. If the employee fails to complete the random test, the DSD should immediately communicate that to the DPC. At the time of the random test, the employee will be advised that he or she is under no suspicion of taking drugs and that his or her name was selected randomly. Each office should have a plan in place to transport employees to and from specimen collection. The director's suite designee should be the responsible party to coordinate specimen collection.

Employees will be directed to the closest VA laboratory facility and be permitted to provide urine specimens in private. However, collection site personnel of the same gender as the person tested may observe the individual providing the urine specimen when such person has a reason(s) to believe the individual may alter or substitute the specimen to be provided.



The employee will be required to sign [VA Form 10-5345](#) (drug testing), DFWP, before collection of the sample. This form authorizes the release of drug test results to those with a need to know. Failure of an employee to sign the form may result in disciplinary action up to and including removal as it is equivalent to the failure to take a drug test.

Upon execution of this SOP, each Regional Office, Central Office, and HRC will be required to provide HCS a signed copy of the [DFWP designation form](#). This form details who the director's suite designee is and the medical facility that will be used for drug testing to be retained on file.

### **(3) Deferral of Testing**

An employee selected for random drug testing may obtain a deferral of testing under the limited conditions listed below:

- The employee is in a leave status (sick, annual, administrative or leave without pay);
- The employee is in an official travel status away from the test site or is about to embark on official travel scheduled before testing notification.

When an employee is deferred for testing, they must receive a [written notification](#) that states a follow-up test will be scheduled.

## **C. Reasonable Suspicion Testing**

A supervisor may order an employee to submit to a drug test at any time if he/she has a reasonable suspicion of:

- On-duty or off-duty illegal drug use or impairment (for employees in TDPs)
- On-duty illegal drug use or impairment (for employees in non-TDPs)

### **(1) Grounds for Reasonable Suspicion Testing**

- Observable phenomena, such as direct observation of drug use or possession and/or the physical symptoms of being under the influence of a drug;
- A pattern of abnormal conduct or erratic behavior in the workplace setting indicative of illegal drug use;
- Arrest or conviction for a drug-related offense, or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use, or distribution of controlled substances if the circumstances surrounding the arrest, conviction or investigation suggest on-duty use or impairment;
- Information provided either by reliable and credible sources or independently corroborated which indicates on-duty use or impairment; or
- Newly discovered evidence that the employee has tampered with a previous drug test.

### **(2) What is not appropriate**

- Drug testing under this authority is not appropriate merely as a means to eliminate the possibility of illegal drug use (i.e. drug testing an entire department is not appropriate).
- Hunches are not enough to base a reasonable suspicion test.





**(3) Required Reasonable Suspicion Documentation**

- Written documentation should include dates and times associated with the reported drug incident.
- Reliable/credible sources of information should be used.
- Rationale leading to the test.
- Authorization for reasonable suspicion testing must be approved by a management official authorized to propose adverse/major adverse actions.

**(4) The Process for conducting a Reasonable Suspicion Test**

- The supervisor that suspects impairment (during or after business hours) will complete the [Supervisory Worksheet](#) and contact their management official who is authorized to propose adverse/major adverse actions to obtain approval for suspicion drug testing.
- The supervisor or director's suite designee (DSD) will contact the assigned [VBA Drug Program Coordinator \(DPC\)](#) via email to notify them of the approval or disapproval for suspicion testing (this is for record-keeping purposes only). The same process will be in place for each Regional Office, Central Office, and Human Resource Center (HRC).
- Reasonable suspicion testing should be conducted the same day as the incident giving rise to the suspicion, prior to allowing the employee to leave the duty station.
- The director's suite designee should be responsible for ensuring the employee is escorted to an approved medical facility for testing.
- Especially important for employees in non-TDPs as they are not familiar with the process or procedure involved with drug testing.
- If there is suspicion of on-duty use or impairment, it's appropriate to ensure the employee arranges for transportation home to ensure their safety.
- The director's suite designee will give the employee written notice ([testing designated positions](#) and [non-testing designated positions](#)) they have been selected for reasonable suspicion testing which outlines:
  1. The requirement to sign authorization form –[VA Form 10-5345](#) (for Drug Testing)
  2. Reason for the test
  3. Collection site procedures
  4. Split specimen procedures
  5. MRO results/verification
  6. Warning of discipline
  7. Referral to EAP
  8. Right to union representation
  9. Signed by Service Chief or above

**D. Injury, Illness, or Unhealthful Practice Testing**

Supervisors can initiate testing for any employee who has an on-the-job accident or whose unsafe act poses a danger to self or others.



**(1) Testing will be initiated when:**

- An accident or unsafe act causes death or personal injury requiring immediate hospitalization; or
- An accident or unsafe act results in damage to the government or personal property estimated to be in excess of \$10,000.

**(2) The process to initiate testing for an injury, illness, or unhealthful practice testing:**

- Ensure criteria are fully met and documented.
- Approval is received by the field facility Director *PRIOR* to ordering an employee to report for testing.
- Testing should occur as soon as possible after the incident.

**(3) The supervisor will notify the director's suite designee to provide the employee [written notice](#) outlining:**

1. The requirement to sign authorization form –VA Form 10-5345
2. Reason for the test
3. Collection site procedures
4. Split specimen procedures
5. MRO results/verification
6. Warning of discipline
7. Referral to EAP
8. Right to union representation
9. Signed by Service Chief or above

Additionally, employees who sustain injury or illness on duty may also be referred to Employee Occupational Health Services for assessment and treatment in accordance with VA Handbook 5019, and VA Directive 5810. The supervisor should provide the employee with the Office of Worker's Compensation Programs Form [CA-1](#) (traumatic injury) or [CA-2](#) (occupational disease).

## E. Voluntary Testing

Employees who are not in testing designation positions may volunteer for unannounced random testing.

The process for voluntary testing is as follows:

- The employee will notify their supervisor who then would notify the director's suite designee of their request.
- The director's suite designee will communicate the employee's request to the assigned drug program coordinator (DPC) for recording purposes only.
- The director's suite designee will add the employee to the pool of testing designated positions by updating the drug testing status within HR Smart.
- The employee is subject to random testing, and be subject to the same conditions and procedures, including the provisions of paragraph 8.f. [of Part I of VA Handbook 5383.]
- Volunteers shall remain in the TDP pool for the duration of the position which the employee holds, or until the employee withdraws from participation.



## F. “Safe Harbor” Voluntary Referral to EAP

In accordance with VA Handbook 5383, Part I, paragraph 8. f., a fundamental purpose of VA’s drug-testing program is to assist employees who themselves are seeking treatment for drug use. For this reason, VA will not initiate disciplinary action against any employee who meets ALL THREE of the following “safe harbor” conditions:

- Voluntarily identifies him/herself as a user of illegal drugs *prior to* being identified through other means;
- Obtains counseling or rehabilitation through an Employee Assistance Program; and
- Hereafter refrains from using illegal drugs.

A “Safe Harbor” Voluntary Referral to EAP written notice is required to be signed by the employee. The process is as follows:

- The employee will notify their supervisor who then would notify the director’s suite designee of their request.
- The director’s suite designee will communicate the employee’s request to the assigned drug program coordinator (DPC) for recording purposes only.
- The director’s suite designee will provide the employee the [“safe harbor” voluntary referral to EAP form](#) and an [authorization for release of medical information](#) for signature.
- According to [HRML No. 05-18-09](#) If an employee seeks voluntary assistance for illegal drug use through EAP without notifying management, and prior to being identified by management as an illegal drug user, an authorization form is not required.
- The director’s suite designee will identify a date no later than seven calendar days to require the employee to contact EAP.
- If the employee does not contact EAP within the date specified or request an extension, actions to remove the employee from federal employment can be taken.
- The employee is responsible for providing the director’s suite designee documentation that supports they have entered an EAP program to include the dates of duration.
- Any updates to the program will need to be provided to the director’s suite designee as soon as possible.
- Upon completion of the EAP program, the employee will be required to provide completion documentation no less than seven calendar days of completion.
- Upon completion of the program, the employee will commit to follow-up testing.

## G. Follow-up Testing

All employees who are referred to EAP for a finding of illegal drug use and undergo a counseling or rehabilitation program are subject to unannounced testing for a year after completion of the program.

### (1) Employees should either be tested

- At the amount agreed to in any applicable abeyance agreement; or
- No less than 6 times per year through placement in a separate random pool.



**(2) Director suite designees are responsible for:**

- Coordinating with EAP to determine when the program is complete to determine when the follow-up testing period begins;
- Determining the method for randomly selecting individuals for follow-up testing and
- Coordinating and tracking the follow-up tests.

**(3) Employees should be given [written notice](#) they are being sent for Follow-up testing outlining:**

1. The requirement to sign authorization form –VA Form 10-5345
2. Reason for the test
3. Collection site procedures
4. Split specimen procedures
5. MRO results/verification
6. Warning of discipline
7. Referral to EAP
8. Right to union representation
9. Signed by Director’s suite designee

## H. Testing Results

When a confirmed positive test result is received, the employee will be allowed to provide supplemental medical information for consideration. If the positive test result is confirmed, the employee will be referred to the EAP; however, such referral does not preclude the institution of disciplinary proceedings. Employees must sign a release of information regarding participation in EAP ([VA-Form 10-5345, EAP](#)). Failure to sign a release of information regarding participation in EAP may result in disciplinary action up to and including removal.

VA will verify positive drug tests but will not initiate any disciplinary actions against an employee who voluntarily identifies themselves as a user of illegal drugs *prior to* being notified of a scheduled drug test, obtains counseling or rehabilitation, and thereafter refrains from using illegal drugs. Removal action will be initiated against an employee who is found to use illegal drugs and who refuses to obtain counseling or rehabilitation through EAP.

Failure to appear for testing will be a refusal to participate in testing and will subject an employee to the range of disciplinary actions, including removal; and subject an applicant to the cancellation of an offer of employment. Attempts to alter or substitute the specimen provided will be deemed a refusal to take the drug test when required. The Director’s suite designee must contact ER/LR for guidance relating to discipline or adverse actions specific to the refusal to participate in testing or a positive verifiable result.

## I. Records

All drug testing information specifically relating to individuals is confidential and should be treated as such by anyone authorized to review or compile program records.

The director’s suite designee is responsible for

- Maintaining signed acknowledgments of receipt of the 30-day specific notice;
- All records relating to reasonable suspicion testing;
- Suspicion of tampering with evidence; and



- Any other authorized documentation in a separate file from the employee's personnel record and medical file.

All records and information of the personnel actions taken on employees with verified positive test results should be forwarded to the VBA DPC. Such shall remain confidential, and be maintained in locked files, with only authorized individuals who have a "need-to-know" having access to them. The DPC will provide the director's suite designee the formal result to be maintained locally on-site.

VBA will maintain the records of the Drug-Free Workplace Program consistent with the National Archives Records Administration's, General Records Schedule 1, and all applicable Federal laws, rules, and regulations regarding confidentiality of records, including the Privacy Act, 5 U.S.C. § 552a.

### 5.3 Reporting Requirements

VA requires monthly and annual certification to verify stations are complying with DFWP requirements. Each month the DPC is required to enter occurrences relating to:

- Random drug testing
- Reasonable suspicion testing
- Injury, illness, unhealthful incidents
- All other drug testing and EAP referrals

The DPC is required to enter this information within the DFWP [portal](#). ONLY the DPC has access and may certify.

#### (1) Required information for POID certification:

- Applicant testing
- Issuance of 30-day notices
- Other types of drug testing conducted
- Positive tests
- Issuance of EAP referrals
- HR Smart Coding review
- Certification must be completed by the 15<sup>th</sup> of each month.

The director's suite designee must provide the DPC with relevant information each month to be recorded in the DFWP portal. The required information will need to be submitted to the DPC by the first Friday of the first full week of the month. A negative response is required.

#### (2) Information that will require certification:

- # of TDP applicants tentatively selected and # scheduled for drug testing.
- # of TDP applicants appointed.
- # of internal employees moving to TDP positions.
- # of TDP selectees issued written notice.
- # If any TDP individuals were not tested or issued notice as required, you MUST provide justification.
- # of positive random tests.
- # of reasonable suspicion tests, and how many were positive.
- # of injury, unsafe, or unhealthful practice tests, and how many were positive.



- # of voluntary tests, and how many were positive.
- # of follow-up tests, and how many were positive.
- # of internal applicants with positive tests.
- # of positive tests referred to EAP.
- If an individual tested positive but was not provided a written referral to EAP, you must provide justification.

### (3) HR Smart Coding Review

- DPC must verify drug testing coding for all employees in HR Smart for accuracy.
- If coding discrepancies are found, the DPC must work with local HRC to correct the data.
- If the discrepancies are not corrected, an explanation must be provided why they were not corrected.

### (4) Compliance with the DFWP

Compliance will be monitored via:

- The VA Drug Testing Notification Site
- eOPF audits every quarter, to ensure 30-day notices are filed in the eOPF
- The VA OCHCO will provide oversight
- The DFWP Annual Report

### (5) Annual Reporting

The DFWP requires annual reporting to summarize data from the previous year along with additional regulatory requirements.

The annual report requests information about VA's DFWP relating to:

- The EAP program
- Supervisory training on DFWP
- Employee training on DFWP
- Disciplinary actions taken related to DFWP; e.g. possession of drugs at work; positive test; refused EAP
- Non-disciplinary actions related to DFWP; e.g. retirement, resignation, reassignment, EAP referral

## 6.0 Authority, Related Handbooks, Procedures, References, and Guidelines

- [VA Directive/Handbook 5383](#),
- "VA Drug-Free Workplace Program" [Public Law 100-7121 U.S.C. 812](#)
- HRML 05-18-09 -<https://vaww.va.gov/OHRM/HRLibrary/HRMLs/HRML2018/HRML-05-18-09.pdf>
- Drug-Free Workplace Program and Mandatory Authorization Form for Drug Testing and Employee Assistance Program Participation for Illegal Drug Use

## 7.0 Terms & Definitions

**EMOS** – Employee Management, Oversight & Security

**DFWP** – Drug-Free Workplace Program



**DPC** – Drug Program Coordinator

**DSD** – Director’s Suite Designee

**EAP** – Employee Assistance Program

**eOPF** – Electronic Official Personnel File

**ER/LR** – Employee Relations & Labor Relations

**OCHCO** – Office of the Chief Human Capital Officer

**HCS** – Human Capital Services

**QA** – Quality Assurance Branch

**SOP** – Standard Operating Procedures, which is a written tool outlining the recommended process to follow to accomplish the desired outcome.

**TDP** – Testing Designated Positions

**VA** – United States Department of Veterans Affairs

**VBA** – Veterans Benefits Administration

## 8.0 Form(s)

The below forms were shared from the [OCHCO website](#) and the [OCHCO DFWP](#) resource page. It is recommended to check these sites periodically to ensure you are using recently updated information.

Supervisory Impairment Checklist

<https://vaww.va.gov/OHRM/EmployeeRelations/DFWP/ImpairCheck.doc>

30- day notice

[https://vaww.va.gov/OHRM/EmployeeRelations/DFWP/dfwp\\_30\\_day\\_notice.docx](https://vaww.va.gov/OHRM/EmployeeRelations/DFWP/dfwp_30_day_notice.docx)

Deferral Notice

[https://vaww.va.gov/OHRM/EmployeeRelations/Samples/t5\\_hybrid/dfwp\\_dt\\_deferral\\_sample\\_memo.docx](https://vaww.va.gov/OHRM/EmployeeRelations/Samples/t5_hybrid/dfwp_dt_deferral_sample_memo.docx)

Reasonable Suspicion Notice / Testing Designated Position

[https://vaww.va.gov/OHRM/EmployeeRelations/Samples/t5\\_hybrid/dfwp\\_tdp\\_reasonable\\_suspicion\\_testing\\_notice.docx](https://vaww.va.gov/OHRM/EmployeeRelations/Samples/t5_hybrid/dfwp_tdp_reasonable_suspicion_testing_notice.docx)



Reasonable Suspicion Notice / Non-Testing Designated Position

[https://vaww.va.gov/OHRM/EmployeeRelations/Samples/t5\\_hybrid/dfwp\\_nontdp\\_reasonable\\_suspicion\\_testing\\_notice.docx](https://vaww.va.gov/OHRM/EmployeeRelations/Samples/t5_hybrid/dfwp_nontdp_reasonable_suspicion_testing_notice.docx)

VA Form 10-5345 (for Drug Testing)

<https://vaww.va.gov/OHRM/EmployeeRelations/DFWP/VHA-10-5345-DFWP.pdf>

VA Form 10-5345 (for EAP Referral)

<https://vaww.va.gov/OHRM/EmployeeRelations/DFWP/VHA-10-5345-EAP.pdf>

Illness, Injury, unsafe, unhealthful Practice Testing Form

[https://vaww.va.gov/OHRM/EmployeeRelations/Samples/t5\\_hybrid/dfwp\\_accident\\_testing\\_notice.docx](https://vaww.va.gov/OHRM/EmployeeRelations/Samples/t5_hybrid/dfwp_accident_testing_notice.docx)

Worker's Compensation Programs Form [CA-1](#) (traumatic injury)

<https://www.dol.gov/sites/dolgov/files/owcp/regs/compliance/ca-1.pdf>

Worker's Compensation Programs Form [CA-2](#) (occupational disease)

<https://www.dol.gov/sites/dolgov/files/owcp/regs/compliance/ca-2.pdf>

“Safe Harbor” voluntary referral to EAP form

[https://vaww.va.gov/OHRM/EmployeeRelations/Samples/t5\\_hybrid/dfwp\\_safe\\_harbor.docx](https://vaww.va.gov/OHRM/EmployeeRelations/Samples/t5_hybrid/dfwp_safe_harbor.docx)

Notice of Selection Random Testing

[https://vaww.va.gov/OHRM/EmployeeRelations/Samples/t5\\_hybrid/dfwp\\_random\\_testing\\_notice.docx](https://vaww.va.gov/OHRM/EmployeeRelations/Samples/t5_hybrid/dfwp_random_testing_notice.docx)

## 9.0 Attachments

[Attachment A](#) - Testing Designated Positions

[Attachment B](#) - Acknowledgment Position is Designated Sensitive for Drug Testing Purposes

[Attachment C](#) – General Notice to Employees about the DFWP

[Attachment D](#) - DFWP Designation Form

[Attachment E](#) – Drug Program Coordinators





**TESTING DESIGNATED POSITIONS**

In accordance with the criteria contained in Executive Order 12564, positions listed in this appendix have been determined as "sensitive" for drug testing purposes. VA employees in these positions will be designated as subject to drug testing.

Section 1 lists positions which the Secretary has determined involve law enforcement, national security, the protection of life and property public health or safety, or other functions requiring a high degree of trust and confidence. All positions in the occupations listed are covered by the random drug testing program.

Section 2 lists Presidential Appointees in VA, whose positions, according to Executive Order 12564, will be designated as sensitive.

Section 3 lists additional positions which have been identified as being subject to random testing because they have been designated as Special/Critical Sensitive under 5 C.F.R. 732.201. Only those positions which have the sensitivity level shown are included for random testing.

The following lists positions that are subject to drug testing because they involve law enforcement, national security, or the protection of life and property, public health, or safety. For ease of reference, the listing has been divided into parts as follows:

- a. General Schedule occupations (also includes positions in Title 38, U.S.C., Sec. 7401(3));
- b. Federal Wage System occupations; and
- c. Key management positions
- d. Employees that carry firearms on a daily or regular basis.

Section 1c. Federal Wage System Occupations

Series	Title(s)
WG-4805	Medical Equipment Repairer
WG-5703	Motor Vehicle Operator
WG-5823	Automotive Mechanic

Section 1d. Key Management Positions

- a. All Senior Executive Service (SES) Employees
- b. The following positions are covered only if the incumbent is required to have a top-secret or secret security clearance and/or has direct patient care responsibilities (e.g., Chiefs, Nursing Service are included because Registered Nurses are covered:

Non-SES Directors  
 Associate Directors and Assistant Directors of all VA field facilities  
 VBA Division Chiefs Regional Counsels  
 GS-15 positions in VA Central Office



### Section 1e. Employees That Carry Firearms

Employees who carry firearms on a daily or regular basis are subject to drug testing. An employee is not subject to drug testing if he or she is authorized to carry a firearm but does not carry one on a daily or regular basis.

Section 3. Personnel having access to national security material that is reasonable to assume may damage national interests if compromised.

a. The following are positions that will be subject to employee drug testing because of the position designation as sensitive based on national security information. Sensitive position as enumerated herein refers to:

(1) An employee who has been granted access to national security classified information or may be granted access to national security classified information pursuant to a determination of trustworthiness by an agency head under Section 3.1 of Executive Order 12968; and,

(2) Other positions that the agency head determines involve national security.

(b) Positions identified in this section are categorized according to the job Title, Series, and Level. Levels refer to the following:

(1) Special Sensitive--Name, job title or series cannot be provided for these positions due to national security requirements.

(2) Critical Sensitive—Positions may be designated as Critical Sensitive based on access to national security information, ADP security responsibilities, fiduciary responsibilities, or access to other sensitive information. Regardless of position title or series, only those positions which are designated as Critical Sensitive due to access to national security information are testing designated positions. The following list provides a sample of some positions which may be included under this section. This list is not all-inclusive.

#### Series Titles

GS-1811 - Criminal Investigator

GS-086 - Security Assistant

GS-080 - Security Specialist/Officer

GS-301 - Confidential Assistant, Staff Assistant, Executive Assistant, Protection Officer, Emergency Preparedness Planning Specialist

GS-343 - Management Analyst

GS-345 - Program Analyst

GS-393 - Communications Specialist

GS-511 - Auditor



(ii) Attachment B

**SAMPLE ACKNOWLEDGMENT**

Department of Veterans Affairs (or Regional Office name)

Acknowledgment of Notice of Employee Whose Position is Designated Sensitive for Drug Testing Purposes

I acknowledge receiving and reading the notice which states that my position has been designated for random drug testing, and that refusal to submit to testing will result in the initiation of disciplinary action, up to and including removal.

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Date

Type Name of Employee

This acknowledgment may be typed on the notice or retained separately.



## GENERAL NOTICE TO ALL EMPLOYEES

1. All employees are hereby notified that a program designed to implement Executive Order 12564, Drug-Free Federal Workplace, dated September 15, 1986, has been established in the Department of Veterans Affairs (VA). Testing for illegal drugs will be part of VA's comprehensive drug prevention program to achieve the President's goal of a drug-free Federal workplace with due consideration for the rights of the employee and the government. VA's employee testing program, which will include both mandatory and voluntary drug testing, will begin no sooner than 60 days from the date of this posting.
  
2. Testing may occur under the following circumstances:
  - a. **Random Testing of Employees in Testing Designated Positions.** Employees who hold positions identified for random testing will receive an individual notice no later than 30 days prior to the commencement of testing, indicating that their positions have been identified as testing designated positions.
  
  - b. **Reasonable Suspicion Testing.** An employee in a Testing Designated Position may be directed to undergo drug testing when there is a reasonable suspicion that the employee uses, or is impaired by, illegal drugs, whether that use, or impairment is on or off duty. Employees who are not in Testing Designated Positions may be directed to undergo drug testing when there is a reasonable suspicion that the employee is using or impaired by illegal drugs while on duty.
  
  - c. **Testing in Connection with An Injury, Illness, Unsafe or Unhealthful Practice Investigation.** Any employee involved in an accident or unsafe practice will be directed to take a drug test as part of an authorized investigation into an accident or unsafe practice when the accident or unsafe act meets the following criteria:
    - (1) The accident results in a death or personal injury requiring immediate hospitalization; or
  
    - (2) The accident results in damage to the government or private property estimated to be in excess of \$10,000.
  
  - d. **Follow-Up Testing.** All employees who undergo a counseling or rehabilitation program for illegal drug use through the Employee Assistance Program will be subject to unannounced testing both during and after such a program.
  
  - e. **Applicant Testing.** Applicants who are tentatively selected for VA employment in a Testing Designated Position are subject to drug testing.
  
  - f. **Voluntary Testing.** Employees may volunteer for unannounced random testing by notifying their



Human Resources Management Officer.

- 3.** The laboratory testing methodology is a series of scientific and technical procedures which are highly accurate and reliable. In addition, a Medical Review Officer will review and interpret positive test results reported by the testing laboratory. Employees will be allowed to submit medical documentation of lawful use of an otherwise illegal drug. Positive test results verified by the Medical Review Officer may only be disclosed to the employee, the appropriate Employee Assistance Program Coordinator, the appropriate management officials necessary to process any disciplinary or adverse action against the employee or a court of law or administrative tribunal in an adverse personnel action.
- 4.** Counseling and rehabilitative assistance are available to all employees through existing Employee Assistance Programs (EAPs) at VA facilities. Employees found to be using illegal drugs will be referred to the EAP for assessment, counseling, and referral to treatment or rehabilitation, as appropriate. Employees who wish to seek assistance voluntarily may do so through existing program arrangements at their facility or the employee's servicing human resources management office.
- 5.** All medical and rehabilitation records in an EAP will be deemed confidential "patient" records and may not be disclosed without the prior written consent of the patient.
- 6.** Tests for employees working in drug treatment programs in accordance with MP- 5, part I, chapter 792, or other programs which were authorized before the issuance of Executive Order 12564, dated September 15, 1986, will continue in effect and are not subject to this advance notice.
- 7.** The VA Drug-Free Workplace Program should be consulted for specific information on the program.



**DFWP Designation Form**

Department of Veterans Affairs (or Regional Office name)

This form details who the director's suite designee is and who would be the contact for the drug program coordinator (DPC). The Alternate will only be contacted in the event the primary director suite designee is not available. Please also provide the medical or drug testing facility your office will use in the event a drug test needs to be collected.

**Director Suite Designee** \_\_\_\_\_

**Alternate Director Suite Designee** \_\_\_\_\_

**Medical / Drug Testing Facility**

Name \_\_\_\_\_

Address, City, State \_\_\_\_\_

Phone Number \_\_\_\_\_

\_\_\_\_\_  
Director Suite Designee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Station Director Signature

\_\_\_\_\_  
Date

This form will be maintained with the Human Capital Services ER/LR division.



(v) Attachment E

VBA DRUG Program Coordinators

POID – 1013 | *Scottie Rawls / Temporary*

POID – 1074 | Sonya Williams

POID – 1559 | Jazmar Allison-Neal

POID – 1738 | Scottie Rawls

POID – 1908 | April Shea

POID – 3438 | Nija Mallory