

SAMPLE 30-DAY SPECIFIC NOTICE

FROM: Facility Director, or designee, which is typically the Drug Free Workplace Coordinator

SUBJ: Notice that Position is Subject to Random Drug Testing

TO: Name of Employee

1. On September 15, 1986, President Reagan signed Executive Order 12564, Drug-Free Federal Workplace, establishing a policy against the use of illegal drugs by Federal employees, whether on or off duty. In accordance with the Executive Order, VA has established a Drug-Free Workplace Program to include random testing for the use of illegal drugs by employees in sensitive positions.
2. This is to notify you that your position is sensitive as defined in Section 7(d) of the Executive order and has been designated as a testing designated position; and therefore, you will be subject to random drug testing. The testing procedures, including the collection of a urine specimen, will be conducted in accordance with Department of Health and Human Services (HHS) Guidelines for Drug Testing Programs. Random testing will begin no sooner than 30 days from the date you receive this notice.
3. You can be assured that the quality of testing procedures is tightly controlled, that the test used to confirm use of illegal drugs is highly reliable and that the test results will be handled with maximum respect for individual confidentiality, consistent with safety and security.
4. As an employee subject to random drug testing you should be aware of the following:
 - a. Counseling and rehabilitation assistance will continue to be available to all employees through existing Employee Assistance Programs (EAP) at VA facilities (include name and telephone number of local EAP counselor or some other point of contact.);
 - b. You will be given the opportunity to submit supplemental medical documentation of lawful use of an otherwise illegal drug to a Medical Review Officer;
 - c. VA will initiate action to discipline any employee who is found to use illegal drugs on the basis of a verified positive drug test except that VA will not initiate any disciplinary action against an employee who voluntarily identifies himself or herself 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;
 - d. Removal action will be initiated against an employee who is found to use illegal drugs and who refuses to obtain counseling or rehabilitation through an Employee Assistance Program;

e. You have the opportunity to voluntarily identify yourself as a user of illegal drugs willing to receive counseling or rehabilitation, in accordance with paragraph 4c of this notice, in which case disciplinary action will not be taken;

f. An employee found to use illegal drugs will be referred to VA Employee Assistance Programs. Such referral, however, does not preclude institution of disciplinary proceedings;

g. VA will initiate action to remove from service any employee who is found to use illegal drugs a second time;

h. An employee found to use illegal drugs will not be allowed to remain on duty in a sensitive position prior to successful completion of rehabilitation through an EAP. However, as part of an EAP, the authorized VA official may, in his/her discretion, allow an employee to return to duty in a sensitive position if it is determined that this action would not pose a danger to public health or safety or national security;

i. Disciplinary action up to and including removal will be initiated against any employee who refuses to be tested;

5. You may contact Donald Jackson, ER/LR Supervisor at Ext. 2359 for additional information regarding the VA Drug-Free Workplace Program.

6. A copy of the previously issued 60-Day General Notice required by Executive Order 12564 is attached.


Signature of Authorized Official

Date: September 20, 2016

Attachment

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 initiation of disciplinary action, up to and including removal.

Signature of Employee

Date

Print Name

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 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 afforded the opportunity 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 is 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, and for 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 through 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 prior to 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.