

# Department of the Navy Drug Free Workplace Training - Employees

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## Drugs Tested For

In accordance with Federal regulations, the Department of the Navy (DON) tests applicants and employees for marijuana, cocaine, opiates (codeine, morphine), amphetamines, phencyclidine (PCP), 6-Acetylmorphine, MDMA (Ecstasy) and specimen validity testing. The DON also tests for any other drug(s) or classes of drugs subsequently approved by the Department of Health and Human Services (DHHS) for testing on any drug on the Schedules I or II of the Controlled Substances Act in cases of reasonable suspicion and after an accident or unsafe practice resulting in a death, injury requiring hospitalization, or damage to personal or government property in excess of \$10,000.

## Effects of Drug Use

Illegal drug use by any civilian employee of the DON is incompatible with the maintenance of high standards of conduct and performance. Moreover, illegal drug use could adversely affect personal safety, risk damage to government or personal property, and significantly impair day-to-day operations. The DON program is aimed at identifying illegal drug users in order to maintain a safe, secure workplace and efficient DON operation.

## Positive or Non-negative Test Results

A "verified positive" results from a finding by the Medical Review Officer (MRO) of illegal drug use; a "non-negative" results from the laboratory analysis concluding the urine sample has either been adulterated in some way or is substituted (not human urine, e.g., animal urine). All urine samples collected are sent to the Fort Meade laboratory for analysis. A drug test result may be initially positive from the laboratory (confirmed positive) for either legal or illegal drugs, and in all cases of a confirmed positive or non-negative finding the MRO will contact the applicant or employee for justification of the result. If the employee can provide a legitimate medical explanation (LME) (a current prescription, for example), he or she will provide documentation to the MRO and the confirmed positive result will be reported as a verified negative result. If the employee is unable to provide the MRO a legitimate medical explanation, the confirmed positive result will be reported as a verified positive result. Ingestion of hemp products will not be accepted as justification for positive marijuana test results.

Refusal to provide a urine sample, failure to appear for testing, and adulteration/substitution carry the same penalty as a verified positive or non-negative test result, which ranges from a 14 day suspension to removal for a first offense. A second offense requires initiation of removal from Federal service. Suspected specimen adulteration or substitution at the time of collection, indicated by the temperature or color of the urine or other evidence, may form the basis for reasonable suspicion testing.

## Prescriptions/Over the Counter (OTC) Medications

All employees, but especially those subject to random testing, must ensure any prescription from a licensed health care provider for medications they take is current. Expired prescriptions, or those under another person's name (even a spouse or child), are not legitimate medical explanations. Employees must communicate with their health care provider any concerns they may have about their prescriptions causing a positive test and to ensure any doubt about the legitimacy of the prescriptions is resolved with the health care provider. Drugs illegal under Federal law (such as marijuana) cannot form the basis for a legitimate medical explanation in a federally-mandated drug testing program.

Employees travelling to foreign countries are advised to be certain that locally available medications will not produce a positive test result or to ensure they have a bona fide prescription from a medical doctor. Extra caution should be used when purchasing and using OTC drugs when in a foreign country, since claiming the OTC drug caused the positive test result will not be a legitimate medical explanation.

## Safe Harbor

Safe Harbor is a voluntary self-referral by any employee to get assistance in dealing with illegal drug use. To be eligible, employees must request Safe Harbor by voluntarily identifying himself or herself as an illegal user of drugs to a supervisor or other higher level management official prior to being identified through other means before or being notified of a drug test.

Safe Harbor insulates the employee from disciplinary action for illegal drug use, but it does not protect the employee from actions taken resulting from a loss of security clearance. Safe Harbor is for users of illegal drugs, and drug dealers or those involved in other drug-related misconduct are not eligible. Employees approved for Safe Harbor receive a mandatory CEAP referral, are required to complete an accredited rehabilitation program, and are required to conduct follow-up drug testing for one year or as otherwise specified in a last chance agreement or settlement agreement. Any subsequent positive drug test or Safe Harbor request is deemed a second finding of illegal drug use and requires initiation of removal from Federal service.

## Civilian Employee Assistance Program (CEAP) and Rehabilitation Program

For both a verified positive or non-negative test result and an approved Safe Harbor request, a mandatory CEAP referral applies. The employee will contact DONCEAP and be provided the contact information for a health care provider within the CEAP network and is responsible for making and keeping the appointment. The health care provider will evaluate the employee and further refer him or her to the rehabilitation program most appropriate for the employee's specific needs.

The rehabilitation program must be accredited, and any program the employee is referred to from the health care provider will have accreditation. The program length will vary from one employee to another, as there are may be additional issues that caused the illegal drug use that the employee may be faced with. At all times throughout the rehabilitation program, strict confidentiality is maintained by clinic staff and drug program staff. Any information is shared with only those management officials having a definite need to know so as to make appropriate personnel decisions.