



UNITED STATES MARINE CORPS
MARINE CORPS BASE
QUANTICO, VIRGINIA 22134-5001

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CHRO-Q/k
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MARINE CORPS BASE ORDER 12792.2

From: Commanding Officer
To: Distribution List

Subj: DRUG-FREE WORKPLACE PROGRAM FOR CIVILIAN EMPLOYEES

Ref: (a) SECNAVINST 12792.3
(b) CPI 792-3 (NOTAL)
(c) MCO 12792.1
(d) MCCDCO 12792.1
(e) Department of Health and Human Services (DHHS) Manual
"Medical Review Officer: A Guide to Evaluating Urine
Drug Analysis" (NOTAL)

1. Purpose. To implement Department of Defense (DoD), Department of the Navy (DON), and Marine Corps policy and assign responsibility for the Marine Corps Combat Development Commands (MCCDC) Drug-Free Workplace Program (DFWP) as set forth in references (a) through (c).

2. Policy. Defense activities aboard this Command will not tolerate the possession, use, or distribution of illegal drugs and are committed to their eradication from the workplace. A drug-free environment is essential to mission accomplishment. The use of illegal drugs, or unlawful use of prescription drugs, undermines job performance, endangers others, and brings discredit to the activity, the Marine Corps, the DON and the DoD.

3. Background. Executive Order 12564, codified by Public Law 100-71, established a goal of achieving a drug-free workplace and made it a condition of employment for all Federal employees to refrain from using illegal drugs on or off duty. The Secretary of Health and Human Services has certified the DoD and the DON DFWP as meeting the requirements of Public Law 100-71.

4. Applicability. This Order applies to all appropriated fund (AF) civilian employees and applicants for AF positions serviced by the Civilian Human Resources Office-Quantico (CHRO-Q).

5. Definitions

a. Applicant. Any individual who applies for or is otherwise being considered for placement in a Testing Designated Position (TDP).

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b. Drug Program Coordinator (DPC). The individual appointed by the Commanding General (CG) MCCDC to oversee the implementation and operation of the DFWP for MCCDC and its tenant activities.

c. Drugs Tested. Includes amphetamines, cannabis (marijuana), opiates, cocaine, and phencyclidine. When doing reasonable suspicion testing, the urine may be tested for any drug listed in Schedule I or II of the Controlled Substances Act.

d. Illegal Drugs. Controlled substances on Schedule I or II of the CSA, defined by 21 U.S.C. 802 (6), the possession of which is unlawful under 21 U.S.C. Chapter 13, or any others subsequently approved by the Department of Health and Human Services (DHHS) for testing.

e. Illegal Use of Drugs/Illegal Drug Use. These two terms are used interchangeably to refer to the use of an illegal drug or a drug for which the individual does not have a valid prescription, or other use not authorized by law.

f. Medical Review Officer (MRO). A licensed physician responsible for receiving laboratory results generated by the DFWP who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's positive test result together with their medical history and any other relevant biomedical information.

g. Random Testing. A system of drug testing imposed without individualized suspicion that a particular individual is using illegal drugs. Random testing may either be uniform unannounced testing of employees in TDP's working in a specific geographic area, organizational unit, or position; or randomly selected employees based on a neutral criterion, such as social security number.

h. Testing Designated Positions (TDP's). Civil Service positions within MCCDC and its tenant activities which have been determined to meet the criteria for random drug testing using guidelines found in reference (b). Using the authority vested by the heads of serviced tenant activities, the DPC determines the TDP's by application of the criteria. This list may be modified by the DPC/activity head with concurrence of the CMC (MPC-30) and approval of the appropriate defense agency head. Employees in TDP's are subject to random testing and will be notified in writing that the position occupied is a TDP. Employees in TDP's will be notified verbally each time they are to report to the collection site.

i. Verified Positive Test Result. A test result that has screened positive by a Food and Drug Administration-approved immunoassay test, confirmed by a gas chromatography/mass spectrometry assay (or other DHHS approved confirmatory tests), and determined by the MRO to have no legitimate medical reason for the drug's presence in the employee's system.

6. Guidelines and Program Provisions. General and specific guidelines and mandatory program provisions are provided in the references. Additional guidelines and clarification to be used in the operation of the DFWP, including clarification on the types of testing allowed (random, reasonable suspicion, etc.) are contained in messages, letters, and memoranda issued by higher authority.

7. Volunteers. In order to demonstrate a commitment to the goal of a drug-free workplace and to set an example for others, any employee who does not occupy a TDP may volunteer to be included in the random testing pool by informing the DPC in writing of their desire to be included. The DPC will send a written acknowledgement to each volunteer. Employees volunteering to be included in the random testing pool will be subject to the same conditions and procedures for random testing as persons occupying TDP's. Volunteers may withdraw from the random testing pool at any time, even after being notified of an impending drug test, by giving a written notice of withdrawal to the DPC who will provide a written acknowledgement and remove the employee's name from the volunteer list.

8. Safe Harbor. A provision of the DFWP which gives an employee a one-time opportunity to voluntarily identify himself/herself as a user of illegal drugs willing to undertake counseling and, as necessary, rehabilitation under the auspices of the Civilian Employee Assistance Program (CEAP). Reference (d) contains guidelines for operation of the CEAP. "Safe Harbor" insulates the employee from discipline for these admitted, but otherwise unknown, past acts of illegal drug use. It does not protect the employee from discipline for admitting to drug trafficking or other drug-related offenses, from the consequences of future illegal drug use, or from subsequent personnel actions for reasons such as misconduct, poor performance, reduction-in-force, or failure to maintain qualifications, including meeting security clearance requirements. An employee in a TDP who admits to illegal drug use will be removed from the TDP and placed in a non-TDP. An employee admitting illegal drug use after being notified that he/she is scheduled for a test or just after a sample is collected, or who is found to use drugs on the basis of other appropriate evidence (e.g., direct observation or evidence obtained from an arrest or criminal conviction) is not eligible for "Safe Harbor." An employee entering "Safe Harbor" must obtain counseling and rehabilitation through the CEAP; agree to be tested for drugs as part of or as a followup to counseling and rehabilitation; refrain from the use of illegal drugs; and, consent, in writing, to the release of all counseling and rehabilitation records related to the illegal use of drugs to appropriate management and CEAP officials.

9. Random Testing Procedures. The DPC and Assistant DPC are delegated the authority to determine the frequency of random testing using any random selection method in compliance with reference (b).

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10. Collection and Medical Review Officer Services

a. Collection site services, including provisions for a Collection Site Coordinator and other collection site personnel, will be provided by a contractor under the Chief of Naval Operations Collection Services Contract. All samples will be collected on-site at facilities provided and prepared by the Command. Samples will be sent to the Navy Drug Screening Laboratory (NDSL) for testing.

b. MRO services will be provided by the Public Health Service under the Navy and Marine Corps MRO contract. The MRO will be a physician with knowledge of substance abuse disorders. A letter of designation, including the name, title, and telephone number of the MRO, will be provided to the DPC by the Public Health Service. The role and responsibilities of the MRO are set forth in reference (e), and the contract. Headquarters Marine Corps will be centrally funding the costs of the MRO services for Marine Corps employees.

c. Defense activities serviced by the CHRO-Q will be able to participate on a cost-per-case basis for their employees.

11. Reporting Requirements and Records Retention. All records generated as a result of this Order will be retained and required reports submitted per references (b) and (c).

12. Relationship Between the CEAP and the DFWP

a. The DFWP is a comprehensive program balanced between offering a helping hand to employees who are using drugs illegally and at the same time, making clear that illegal drug use will not be tolerated. The CEAP will provide education, counseling, and referral to a rehabilitation program for the first verified positive drug test or a first determination that an employee uses illegal drugs. A second verified positive drug test or second determination that an employee uses illegal drugs will result in the mandatory initiation of action to remove the employee from Federal service without a second opportunity to enter a rehabilitation program.

b. Any employee found to use illegal drugs must be referred to the CEAP. Disciplinary action will be initiated against any employee for the first instance of illegal drug use. However, an employee who voluntarily seeks treatment for illegal drug use and who meets the "Safe Harbor" conditions of reference (b) will not be subject to discipline for the admitted prior acts of illegal use, including possession incident to such personal use. "Safe Harbor" will not be granted to drug dealers or those involved in other drug-related misconduct.

13. Relationship to Collective Bargaining Agreements. The provisions of this Order are per collective bargaining agreements and all bargaining obligations have been discharged. Employees in the

various bargaining units will be granted those representational and grievance rights specified in the agreement negotiated for the unit to which they belong.

14. Responsibilities

a. Drug Program Coordinator. The DPC and an Assistant Drug Program Coordinator (ADPC) will be appointed in writing by the CG MCCDC. The ADPC will serve as program coordinator for the tenant activities. The DPC and/or ADPC will:

(1) Direct, administer, and manage the DFWP per governing law and regulation.

(2) Receive all drug test results from the MRO on behalf of the appropriate activity head or the CG MCCDC, and forward a copy for inclusion in the employee's medical file.

(3) Recommend appropriate disciplinary action to the supervisor or manager of each employee with a verified positive test result.

(4) Establish and maintain an up-to-date list of each position/occupant in the TDP pool and issue 30-day individual notices to occupants of TDP's and retain documentation verifying receipt of each notice.

(5) Determine the need to add additional positions to the TDP pool and initiate action through the chain of command to request inclusion.

(6) Arrange for specimen collection per contract procedures and act as the Contracting Officer's Technical Representative for local execution of the collection services contract.

(7) Coordinate, schedule, and present training on the DFWP for supervisors and employees; coordinate with the Administrator, Counseling Services Programs, on the provision of a DFWP module in scheduled employee assistance program training.

(8) Notify employees of negative test results.

(9) Notify the Administrator, Counseling Services Programs, and the appropriate supervisor or manager of an employee having a verified positive test result.

(10) Prepare and maintain all required program documentation and reports.

b. Director, Civilian Human Resources Office - Quantico

(1) Notify the DPC when an applicant has been selected for a TDP.

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(2) Establish a tracking system in the Naval Civilian Personnel Data System (NCPDS) for applicants who receive a positive test result to assure that they are not rehired in any position within six months from the date the positive test result was verified by the MRO.

(3) Ensure that vacancy announcements include appropriate notices concerning the DFWP.

(4) Enter all data required by the DFWP into the NCPDS.

(5) Issue a copy of the DFWP General Notice to all new employees.

(6) Notify the DPC if positive specimens need to be retained by the NDSL longer than the normal one year period due to litigation, enforcement of a rehabilitation plan, or other reason.

c. Administrator, Counseling Services Program. The Administrator, Counseling Services Program, will implement all "Safe Harbor" and other CEAP-related provisions of the DFWP. This includes providing required training and education and counseling, referral, follow-up services to employees, and advisory services to supervisors and managers as necessary.

d. Supervisors. Military and civilian supervisors of civilian employees will:

(1) Notify individual employees of scheduled drug tests upon receipt of notification from the DPC.

(2) Based on legitimate reasons, defer an employee's drug test and notify the DPC of the deferral per provisions of reference (a).

(3) Initiate reasonable suspicion tests, after first making appropriate factual observations and obtaining necessary written approval from the employee's division director, commanding officer, or activity head. Reasonable suspicion testing may be conducted on employees in TDP's suspected of on or off duty drug use or possession, or showing physical symptoms of drug impairment. Employees in non-TDP's must be suspected of on-duty drug use or drug-impaired work before being tested under the reasonable suspicion authority.

(4) Upon notification of illegal drug use, refer employees to the CEAP for assistance in obtaining counseling and rehabilitation and initiate appropriate administrative and disciplinary actions.

(5) Not select any applicant for a Federal position who has a verified positive test result.

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(6) When, and if, court injunctions are lifted, initiate post-accident or unsafe practice tests after making factual observations or obtaining evidence and obtaining necessary written approval from the division director, commanding officer, or activity head.

e. Employees. All employees, whether in TDP's or not, will:

(1) Refrain from the illegal use of drugs on or off-duty at all times.

(2) Provide urine samples as required.

(3) Be responsible for successful completion of any rehabilitation or treatment required as the result of illegal use of drugs.

f. The Medical Review Officer. The MRO will comply fully with provisions of reference (e) and the contract. The MRO will assure individuals who have tested positive are afforded an opportunity to offer alternate medical justification for the test result as per reference (b). The MRO will coordinate with and report to the DPC and activity heads, on all drug testing functions and findings on a regular basis.

15. Action. Activity heads serviced by the CHRO-Q will support the DFWP by encouraging employees to seek assistance for illegal drug use of abuse through "Safe Harbor" and the CEAP; by encouraging supervisors to make appropriate referrals for assistance; by providing opportunities for substance abuse education and training; by taking swift and appropriate action against those found to be using or trafficking in illegal drugs; and, by ensuring that all personnel abide by the policies set forth in this Order.

T. C. TAYLOR
By direction

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