

Department of Homeland Security
DHS Directives System
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DRUG-FREE WORKPLACE
PROGRAM

I. Purpose

This Directive establishes the Department of Homeland Security (Department or DHS) policy regarding the Drug-Free Workplace (DFW) Program.

Executive Order (E.O.) 12564, signed in 1986, established the goal of a Drug-Free Federal Workplace and made it a condition of employment that all federal employees refrain from using illegal drugs both on and off duty. Therefore, ensuring that employees refrain from the illegal use, possession, distribution, or trafficking of controlled substances included in Schedules I and II, and defined in Title 21 United States Code (U.S.C.) § 802(6), is of the utmost importance to the Department. To that end, the Department has a compelling obligation to eliminate illegal drug use from its workplace by issuing this Directive and implementing DHS DFW Plan (the Plan), which has been certified by the Department of Health and Human Services (HHS).

II. Scope

The DFW Program and drug testing, as required under the Plan, applies to all DHS federal, civilian employees.

III. Authorities

1. Civil Service Reform Act of 1978, P.L. 95-454
2. Federal Employees Substance Abuse Education and Treatment Act of 1986, P.L. 99-570
3. Section 503 of the Supplemental Appropriations Act of 1987, Public Law (P.L.) 100-71, 101 Stat. 391, 468-471, codified at 5 U.S.C. § 7301 (1987) (the "Act")
4. The Privacy Act of 1974 (5 U.S.C. § 552a)
5. The Public Health Service Act and implementing regulations, 42 C.F.R. Part 2, Sections 523 and 527, "Confidentiality of Alcohol and Drug-Abuse Patient Treatment Records"

6. 6 C.F.R. Part 5, Disclosure of Records and Information , DHS Regulations implementing the Privacy Act of 1974
7. Title 53, FR 11970 (1988), as revised (1994 and 2004), “Mandatory Guidelines for Federal Workplace Drug Testing Programs.”
8. E.O. 12564, Drug-Free Federal Workplace
9. E.O. 10450, Security Requirements for Government Employees
10. E.O. 13256, Classified National Security Information
11. DHS Management Directive (MD) 254-02, Employee Assistance Program
12. DHS MD 11056.1, Sensitive Security Information (SSI)

IV. Responsibilities

A. **DHS Chief Human Capital Officer (CHCO)** implements the DHS-wide DFW policy. The CHCO:

1. Issues and administers the DHS-wide policy;
2. Designates a DHS Drug Program Administrator;
3. Establishes and maintains a DHS-wide Employee Assistance Program (EAP); and
4. Establishes and administers a contract(s) for services required in relation to implementation of the Plan, e.g., collection services, laboratory services, medical review officer services.

B. **DHS Drug Program Administrator (DPA):**

1. Oversees implementation of this Directive and the Plan;
2. Approves Component DFW Implementation Plans, developed in conformance with the Plan;
3. Assists Component Drug Program Coordinators (DPCs); and
4. Prepares the Departmental annual survey report in accordance with the Executive Order.

C. **DHS Office of Health Affairs (OHA)** provides oversight for Department-wide Medical Review Officer (MRO) services.

1. **DHS Chief Medical Officer (CMO)** maintains medical oversight of the Medical Review Officer function, whether internally staffed or contracted out.

2. **Medical Review Officer (MRO)** is a licensed physician with knowledge of substance abuse disorders and the requirements of the mandatory guidelines. The MRO evaluates all positive test results, together with an individual's medical history and any other relevant biomedical information. The MRO refers written determinations regarding all verified positive test results to the appropriate management official and Drug Program Coordinator (DPC), consistent with confidentiality requirements. Finally, the MRO notifies the appropriate human resources official of the drug test results for an individual who has been tentatively selected for employment with the Component.

D. **Component Heads** develop DFW Implementation Plans, which include specific procedures to comply with this Directive and in accordance with related authorities. Each Component assigns, or otherwise provides for, the duties and responsibilities of a Drug Program Coordinator.

E. **Executive Director, Headquarters, Human Resources Management and Services (HRMS)**, assumes the responsibilities listed under the Component Heads section for all support Components with the exception of the National Protection and Programs Directorate (NPPD), the Office of Inspector General (OIG) and the Federal Law Enforcement Training Center (FLETC).

F. **Heads of NPPD, OIG, and FLETC** assume the responsibilities listed under Component Heads section for their respective support Component.

G. **Drug Program Coordinator (DPC)** implements, administers and manages the DFW Program within their respective Component. The DPC serves as the principal contact with the laboratory and for collection activities in assuring the effective operation of the testing portion of the program. The DPC receives verified positive test results from the MRO and collaborates with employee relations staff to refer employees with verified positive test results to the appropriate Employee Assistance Program Coordinator (EAPC) for counseling and treatment services. In the event an applicant receives a verified positive test result, the DPC notifies the appropriate human resources official.

The DPC provides educational materials, training and assistance to managers, supervisors and employees on illegal drugs in the workplace. The DPC collaborates with the EAPC to ensure EAP services are appropriately provided as required under DHS MD 254-02.

V. Policy and Requirements

A. It is the DHS policy to establish and maintain a drug-free workplace and, therefore, it is a condition of employment that employees refrain from using illegal drugs both on and off duty.

B. The Department has established its departmental policy regarding the Drug-Free Workforce (DFW) Program. As part of the DFW Program, DHS has created a Directive and the DHS DFW Plan. One of the elements of the Program is that DHS Components are to prepare conforming Implementation Plans that take into account their unique logistics and personnel.

C. DHS Components implement the Plan and prepare conforming Implementation Plans that take into account any unique historical, logistical, personnel, and other relevant factors. Component Implementation Plans include a list of Testing Designated Positions (TDPs). Components submit their Plans to the DHS Office of the Chief Human Capital Officer (OCHCO) within 45 calendar days from HHS certification of the Plan.

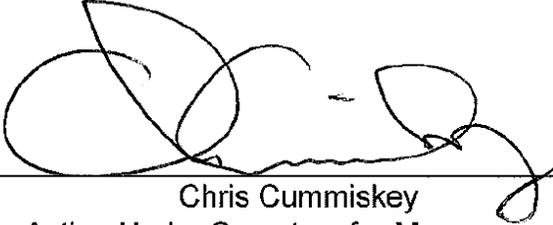
Modifications, changes and revisions to approved plans and/or TDP lists are to be submitted by the Component DPC to the DPA for review, then forwarded to the CHCO for approval and, if necessary, transmitted to HHS. The DPA consults with HHS and the Federal Interagency Coordinating Group Executive Committee (ICGEC) if the proposed changes require further review and/or approval.

The DPA reviews Component Implementation Plans as well as plan performance on an annual basis.

Components report any related litigation to the DPA for referral to the DHS Office of the General Counsel for Departmental impact assessment purposes.

VI. Questions

Address any questions or concerns regarding this Directive to the OCHCO.


Chris Cummiskey
Acting Under Secretary for Management

8/11/14
Date