

Defense Logistics Agency Instruction



DLAI 1010.01
Effective September 5, 2013

DLA Human Resources Policy

SUBJECT: Drug-Free Workplace

References: Refer to [Enclosure 1](#).

1. **PURPOSE.** This Issuance reissues Reference (a) to ensure a drug-free workplace through the establishment of consistent Agency-wide authority and responsibilities for the administration of the Defense Logistics Agency (DLA) Drug-Free Workplace Plan (Reference (b)) by setting forth objectives, policies, procedures, and implementation guidelines. Any provision in a Collective Bargaining Agreement (CBA) that conflicts with this policy will take precedence and shall be enforced for employees covered by the applicable CBA.

2. **APPLICABILITY.** This DLA Instruction (DLAI) applies to DLA civilian employees in Testing-Designated Positions (TDPs) to include employees not in TDPs; to any DLA civilian employee when Reasonable Suspicion Testing, Volunteer Testing, or Follow-Up Testing is applicable, and to applicants tentatively selected for a DLA position for which testing designation is required.

3. **DEFINITIONS.** See Glossary.

4. **POLICY.**

a. The Federal Government has a compelling proprietary interest in establishing reasonable conditions of employment. Prohibiting employee use of illegal drugs is one such condition. Executive Order (E.O.) 12564 (Reference (c)) made it a condition of employment for Federal employees to refrain from using illegal drugs on or off duty. The intent of this policy is to offer a helping hand to those who need it, while sending a clear message that any illegal drug use is, quite simply, incompatible with Federal service. It is crucial to ensure the absence of drug use from positions where drug effects could result in a threat to safety or national security.

b. DLA will ensure the workplace is free from the illegal use, possession, or distribution of controlled substances (as specified in Schedules I through V, as defined in 21 United States Code (U.S.C.) 802(6) and listed in Part B, subchapter 13 of that Title) by the officers and employees of the Agency.

c. The use, possession, and distribution of controlled substances will be dealt with promptly and as an offense with penalties in accordance with DLAI 7106, Maintaining Discipline (Reference (d)).

d. Employees who refuse drug testing or alter or tamper with specimens will be subject to disciplinary action up to and including removal in accordance with Reference (d).

(1) If an individual fails to appear at the collection site at the assigned time, the collector shall contact the Drug Program Manager (DPM) / Drug Program Coordinator (DPC) to obtain guidance on action to be taken.

(2) Employees who appear for testing but do not properly complete the collection process, due to their own actions will be recorded as a refusal.

e. Tentative job offers will be cancelled for applicants who refuse drug testing.

f. Direct observation testing. Collection site personnel of the same gender may observe the individual providing the urine specimen when they believe the individual may have altered or substituted the specimen. Collection site personnel may have reason to believe that a particular individual may alter or substitute the specimen provided when:

(1) Facts and circumstances suggest that the individual is an illegal drug user;

(2) Facts and circumstances suggest that the individual is under the influence of drugs at the time of the test;

(3) The individual has previously been found by the Agency to be an illegal drug user;

(4) Facts and circumstances suggest that the individual has equipment or implements capable of tampering or altering urine sample; or

(5) The individual has previously tampered with sample.

g. Visual observation of urination may be permitted on the basis that a DLA employee is being tested pursuant to the reasonable suspicion testing procedures.

h. If the employee is unable to go to complete the drug test, the supervisor must prepare a written deferral and forward it to the employee. The employee will keep this written deferral with them until they are able to be tested. Reasons for deferral: employee is in an approved leave status, in official travel status away from the test site, or is about to embark on official travel scheduled prior to testing notification.

i. When a confirmed positive result has been returned by the laboratory, the Medical Review Officer (MRO) shall perform the duties set forth in the Health and Human Services (HHS) guidelines. For example, the MRO may choose to conduct employee medical interviews, review employee medical history, or review any other relevant biomedical factors. The MRO must review medical records made available by the tested employee when a confirmed positive test could have resulted from legally prescribed medication. Individuals are not entitled, however, to present evidence to the MRO in a trial-type administrative proceeding, although the MRO has the discretion to accept evidence in any manner the MRO deems most efficient or necessary. If the MRO determines there is no justification for the positive result, such result will then be considered a verified positive test result. The MRO shall immediately contact the DPM, upon obtaining a verified positive test result. The DPM and the Employee Relations Specialist (ERS) will consult the applicable CBA for additional requirements on employee discussion with the MRO.

j. While participating in a counseling or rehabilitation program, and at the request of the rehabilitation program, the employee may be exempted from the random TDP pool for a period not to exceed 60 days, or for a time specified in an abeyance or last chance agreement or rehabilitation plan. Upon completion of the program, the employee immediately shall be subject to follow-up testing, in accordance with Section XII(C) of DLA's Drug-Free Workplace Plan.

k. Reasonable Suspicion Testing. Reasonable Suspicion Testing may be required of any employee to include those not in TPDs when there is a reasonable suspicion that the employee uses or possesses illegal drugs whether on or off duty. Reasonable suspicion testing may be based upon:

(1) Observable phenomena, such as direct observation of drug use or possession and/or the physical symptoms of being under the influence of a drug;

(2) A pattern of abnormal conduct or erratic behavior consistent with the use of illegal drugs or drug-related impairment;

(3) Arrest or conviction of a drug-related offense, or the identification of an employee as the focus of criminal investigation into illegal drug possession, use, or trafficking/distribution;

(4) Information provided whether by reliable and credible sources or independently corroborated; or

(5) Newly discovered evidence that the employee has tampered with a previous drug test.

(6) Although reasonable suspicion testing does not require certainty, mere "hunches" are not sufficient to meet this standard.

l. Volunteer Testing

(1) In order to demonstrate their commitment to the Agency's goal of a drug-free workplace and to set an example to other Federal employees, employees not in TDPs may volunteer for unannounced random testing by notifying the DPM, in writing. These employees

will be included in the pool of TDPs subject to random testing and will be subject to the same conditions and procedures, including the same disciplinary consequences for a finding of illegal drug use.

(2) Volunteers shall remain in the TDP pool until the employee withdraws from participation.

(3) Employees will not be coerced or otherwise required to participate in voluntary testing. Participation in voluntary testing does not carry any advantage or disadvantage to employees, except as required by a positive test result.

m. Follow-up Testing

(1) Employees referred through administrative channels that undergo counseling, treatment, or rehabilitation programs for illegal drug use through the Employee Assistance Program (EAP) will be subject to unannounced testing following completion of the initial phase of treatment for a period of 1 year. Such employees shall be tested at an increased frequency, as specified in Appendix B of DLA's Drug-Free Workplace Plan. Such testing is distinct from any testing, which may be imposed as a component of the EAP.

(2) In accordance with the HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs, Subpart B, Paragraph 2.2(f) (16), "When there is any reason to believe that a donor may have altered or substituted the specimen to be provided, another specimen shall be obtained as soon as possible under direct observation of a person of the same gender and both specimens shall be forwarded to the laboratory for testing."

n. Disciplinary Action

(1) Under E.O. 12564, DLA is required to initiate action to discipline any employee found to use illegal drugs, except that such discipline is not required when an employee:

- (a) Voluntarily admits his or her drug use;
- (b) Completes counseling and/or rehabilitation; or
- (c) Refrains from drug use thereafter.

(2) The Agency shall initiate action to remove an employee for:

(a) Refusing to obtain counseling or rehabilitation OR refusing to comply with ALL aspects of the recommended EAP course of action as required by the E.O. 12564 after having been found to use illegal drugs; and

(b) Having been found not to refrain from illegal drug use after a first finding of illegal drug use.

(3) In considering the penalty for disciplinary and adverse actions, the Agency may take into account those disciplinary and adverse actions taken within 5 years prior to the effective date of the proposed current action.

(4) The decision whether to discipline a voluntary referral will be made by the director or field activity commander, on a case-by-case basis, depending on the facts and circumstances. Although an absolute bar to discipline cannot be provided for certain positions because of their extreme sensitivity, the Agency, in determining whether to discipline, shall consider that the employee has come forward voluntarily. Provisions agreed to in negotiated agreements take precedence.

o. The laboratory may disclose confirmed laboratory test results only to the MRO or the staff of the MRO. Any positive results, which the MRO justifies as appropriate and sanctioned by medical law (prescription medication) or scientific documentation to account for the results as other than the intentional ingestion of an illegal drug, will be treated as a negative test result and may not be released for purposes of identifying illegal drug use.

(1) Test results will be protected under the provisions of the Privacy Act, 5 U.S.C. 552a, et seq., and may not be released.

(2) The MRO or the staff of the MRO may maintain only those records necessary for compliance with E.O. 12564.

(3) Any records of the MRO, including drug test results, may be released to any management official for purposes of auditing the activities of the MRO, except that the disclosure of the results of any audit may not include personal identifying information of any employee.

(4) In order to comply with Section 503(e) of the Supplemental Appropriations Act of 1987, Public Law Number 100-71, Title V, 101 Stat. 468 (1987) (codified at 5. U.S.C. 7301 note), the results of a drug test of a DLA employee may not be disclosed without the prior written consent of such employee, unless disclosure would be:

(a) To the MRO;

(b) To the counselor or coordinator of the EAP in which the employee is receiving counseling or treatment or is otherwise participating;

(c) To any supervisory or management official within the Agency having authority to take adverse personnel action against such employee; or

(d) Pursuant to the order of a court of competent jurisdiction or where required by the U.S. Government to defend against any challenge against any adverse personnel action.

(5) In addition, test results with all identifying information shall also be made available to Agency personnel, including the DPM/DPC, for data collection and other activities necessary to comply with Section 503(f) of the Supplemental Appropriations Act of 1987.

p. Confidentiality of Records in General

(1) Any employee who is subject to a drug test shall, upon written request, have access to any records relating to:

(a) Such employee's drug test; and

(b) The results of any relevant certification, review, or revocation of proceedings, as referred to in Section 503(a)(1)(A)(ii)(III) of the Supplemental Appropriations Act of 1987.

(2) The employee shall be informed in writing of his/her right to receive this above information.

(3) Except as authorized by law, an applicant who is not a DLA employee and who is the subject of a drug test, however, shall not be entitled to this information.

(4) Drug testing information specifically relating to individuals is confidential and should be treated as such by anyone authorized to review or compile program records. In order to efficiently implement E.O. 12564 and to make information readily retrievable, the DPM shall maintain all records relating to reasonable suspicion testing, suspicion of tampering with evidence, and any other authorized documentation necessary.

(5) All records and information of the personnel actions taken on employees with verified positive test results shall remain confidential and shall be maintained by the Human Resources Office, in a locked cabinet, with only authorized individuals who have a "need-to-know" having access to them.

5. RESPONSIBILITIES.

a. DLA Human Resources is responsible for policy and administration of the Drug-Free Workplace program.

b. DLA Human Resources serves as the liaison and coordinating official with the Department of Health and Human Services (DHHS) Division of Workplace Programs/Substance Abuse and Mental Health Service Administration (SAMHSA), and with the Office of the Under Secretary of Defense for Personnel and Readiness, Operational Readiness and Safety, Drug Testing and Program Policy.

c. DLA Human Resources ensures that overall policy management, administration, and technical and scientific aspects of the Department of Defense (DoD) Civilian Employee Drug-Free Workplace Program are in compliance with DHHS guidelines.

d. DLA Human Resources provides fiscal oversight for budget planning, execution, and auditing of the Drug Demand Reduction Program funding appropriated from the Under Secretary of Defense for Personnel and Readiness, Operational Readiness and Safety, Drug Testing and Program Policy.

e. The Management Official will properly annotate positions as testing designated as necessary, providing the notification/scheduling letters to the employee for testing, making sure their employees stay drug free and working with HR on the appropriate discipline.

f. The ERS will work with the supervisor on the appropriate discipline for when an employee tests positive or doesn't comply with the drug testing or treatment plan.

g. The DPM will monitor the progress of referred employees to EAP during and after rehabilitation of illegal drug use.

h. The special duties and responsibilities for the Drug Program Administrator (DPA), DPC, EAP Administrator, EAP Coordinators/Counselors, MRO, and Supervisor are defined in the DLA Drug-Free Workplace Plan.

6. PROCEDURES. Refer to [Enclosure 2](#).

7. RELEASABILITY. UNLIMITED. This Instruction is approved for public release and is available on the Internet from the DLA Issuances Internet Website.

8. EFFECTIVE DATE. This Instruction:

a. Is effective on September 5, 2013.

b. Must be reissued, cancelled, or certified current within 5 years of its publication in accordance with DLAI 5025.01, DLA Issuance Program. If not, it will expire effective September 5, 2023 and be removed from the DLA Issuances Website.

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Enclosure(s)

Enclosure 1 – References

Enclosure 2 – Procedures

Glossary

ENCLOSURE 1

REFERENCES

- a. DLA Instruction 7203, Drug-Free Workplace, June 20, 2008, Modified 09 08 09, (superseded)
- b. DLA Drug-Free Workplace Plan, January 12, 2013 – January 23, 2012
<http://www.hr.dla.mil/downloads/performance/DLADrugTestingPlan.pdf>
- c. E.O. 12564 - <http://www.archives.gov/federal-register/codification/executive-order/12564.html>
- d. DLAI 7106, Maintaining Discipline, September 15, 2009
- e. DoD Directive (DoDD) 1010.4, Drug and Alcohol Abuse by DoD Personnel, January 11, 1999 - <http://www.dtic.mil/whs/directives/corres/pdf/101004p.pdf>
- f. DoDD 1010.6, Rehabilitation and Referral Services for Alcohol and Drug Abusers, March 13, 1985 – <http://www.dtic.mil/whs/directives/corres/pdf/101006p.pdf>
- g. DoDD 1010.9, DoD Civilian Employees Drug Abuse Testing Program, August 23, 1988, updated on January 20, 1992 - <http://www.dtic.mil/whs/directives/corres/pdf/101009p.pdf>
- h. Master Labor Agreement between DLA and American Federation of Government Employees (AFGE) Council 169, Article 35, April 2007 - http://www.hr.dla.mil/downloads/CurrentAFGE_MLA.pdf
- i. DHHS, Mandatory Guidelines for Federal Workplace Drug Testing Programs, November 25, 2008 - <http://www.gpo.gov/fdsys/pkg/FR-2008-11-25/pdf/E8-26726.pdf>
- j. DoD Instruction 6055.7, Accident Investigation, Reporting, Record Keeping, October 3, 2000 - http://www.desc.dla.mil/DCM/Files/i60557p_1.pdf
- k. Section 503 of the Supplemental Appropriations Act, 1987, Public Law Number 100-71, Title V, 101 Stat. 468 (1987) (codified at 5 U.S.C. 7301 note)
<http://www.law.cornell.edu/uscode/text/5/7301>

ENCLOSURE 2

PROCEDURES

1. DLA shall adhere to scientific and technical guidelines for drug testing programs promulgated by HHS consistent with the authority granted by E.O. 12564, and to the requirements of Section 503 of the Supplemental Appropriations Act of 1987.

2. Applicant drug testing is required of individuals tentatively selected for employment with DLA in positions for which testing designation is required, who have not, immediately prior to placement, been subject to random testing. The Human Resources Specialist (HRS) will notify the applicant's personnel office to verify if the applicant is in a current TDP. If the applicant is, then they will be placed in the Random Testing Program once they are hired.

a. Vacancy announcements for positions designated for applicant testing will have the following statement: "Applicants tentatively selected for this position will be required to submit to urinalysis testing to screen for illegal drug use prior to appointment." Failure of the vacancy announcement to contain this statement notice will not preclude applicant testing if advance written notice is provided to applicants in some manner.

b. The HRS notifies the applicant that appointment to a TDP is contingent upon a negative drug test.

c. The HRS will send a request for applicant testing to the DPM, located at either DLA Human Resources Services at Columbus or DLA Human Resources Services at New Cumberland.

d. The DPM schedules and coordinates the testing with the applicant and the clinic. The applicant must test as soon as possible but not later than 48 hours after notification.

e. A certified MRO reviews the test result and informs the DPM.

f. If the test result is positive and the applicant is a DLA employee, the DPM will notify the HRS and coordinate with the appropriate servicing DLA Human Resources Services ERS. The ERS will inform the supervisor of test result and advise on referral to EAP and appropriate disciplinary action. Disciplinary actions will be dealt with in accordance with the DLA policy, Maintaining Discipline.

g. The ERS informs the supervisor of the positive test result and the requirement for referral to the EAP. The referral will be in writing and will inform the employee of the consequences of refusal for counseling or rehabilitation.

h. If the employee occupies a sensitive position and tests positive, she or he is immediately removed from their position through appropriate personnel action.

i. The ERS will advise the supervisor of the appropriate disciplinary action based on the circumstances of the case. Such disciplinary action, consistent with the requirements of the DLA

policy, Maintaining Discipline; DLA/AFGE Master Labor Agreement, or other applicable negotiated agreements; and the Civil Service Reform Act and other statutes and directives, may range from 15 days suspension to removal for first-time offense. Removal action will be initiated for a second offense.

j. If the test result is negative, the DPM will notify the HRS of result and file the test result.

k. If the test result is positive and the applicant is NOT a DLA employee, the DPM notifies the HRS of the result.

l. The HRS informs the applicant that his/her test was positive, indicating a confirmed presence of an illegal drug in the urine, which precludes the Agency from hiring him/her and withdraws the tentative offer of employment.

m. Applicants with verified positive test results shall be refused employment. Applications from such individuals shall not be considered for employment for a period of 6 months from the date of the test results.

n. Applicants who have Veteran preference eligibility selected from a Delegated Examining Certificate and tests positive will be referred to Office of Personnel Management for adjudication prior to job offer withdraw.

3. Random drug testing is a system of drug testing imposed without individualized suspicion. Random testing of employees occupying TDPs is based on neutral criteria. Random testing is scheduled on a quarterly basis. The DPM generates quarterly random listings from the Defense Civilian Personnel Data System employees in the drug testing program for each organization within DLA. The DPM will verify and make sure the employee has a signed notice on file.

a. The DPM prepares and verifies employee information ensuring the employees on the list are actually occupying TDPs. The DPM issues the random listings to the DPC or Human Resources point of contact (POC).

b. The DPC or Human Resources POC contacts the employees' supervisors to verify employee availability before scheduling the random drug test. Tests are scheduled for the same day as notification is given, preferably within 2 hours of notification.

c. The DPC or Human Resources POC prepares the scheduling letters for selectees. Letters must include the reason for the drug test; how the employee was selected; the time and location of the test; the consequences of a positive or negative result and/or refusal to cooperate with drug testing, to include adverse actions; the opportunity to submit medical documentation to support the legitimate use of a specific drug; the availability of drug-abuse counseling and referral services through EAP; the right to have a test by a second SAMHSA-certified laboratory using the same sample (in the event of a positive result); and if the employee is in a bargaining unit position, the letter will also include the right to union representation at any investigatory interviews or disciplinary decision meeting which may precede or result from the drug test, as well as any additional information that is required by the appropriate CBA.

d. The DPC or Human Resources POC delivers the test notification letters to the employee's supervisors. The supervisor explains to the employee that he or she is under no suspicion of taking drugs and that his or her name was selected randomly. The supervisor ensures the employee receives the letter and directs (or releases) employee to report for testing.

e. After the employees are tested, the results are reviewed by a certified MRO, which are then forwarded to the appropriate DPM.

f. If the results are positive, the DPM notifies the appropriate servicing DLA Human Resources Services' ERS. The ERS informs the supervisor of the positive test result and the requirement for referral of the employee to EAP. Referral will be in writing and will inform the employee of the consequences of refusal of counseling or rehabilitation. Employees occupying sensitive positions are immediately removed from their position. The ERS will advise the supervisor of the appropriate disciplinary action based on the circumstances of the case. Such disciplinary action, consistent with the requirements of the DLA policy, Maintaining Discipline, DLA/AFGE Master Labor Agreement, or other applicable negotiated agreements, and the Civil Service Reform Act and other statutes and directives may range from 15 days' suspension to removal for first offense. Removal action will be initiated for a second offense.

g. Employees who are mandatorily referred to the EAP, due to the positive drug test/possession, must remain compliant with requirements related to rehabilitation/treatment, in order to be considered successful.

h. If appropriate medical officials within the EAP structure report, in writing, that the employee is non-compliant during rehabilitation/treatment, the Agency will initiate action to remove the employee from Federal Service.

i. If the results are negative, the DPM files the test results.

4. Reasonable Suspicion Testing. If an employee is suspected of using or possessing illegal drugs, the employee's supervisor will seek advice from the servicing ERS and will gather pertinent information and facts regarding the circumstances leading to and supporting reasonable suspicion testing.

a. When reasonable suspicion has been established, the appropriate supervisor will promptly document, for the record and in writing, the circumstances that formed the basis to warrant the testing. A written report will be prepared to include, at a minimum, the appropriate dates and times of reported drug-related incidents, reliable/credible sources of information, rationale leading to the test, findings of the test, and the action taken. This information will be maintained by the appropriate DPM.

b. A request for reasonable suspicion testing under other circumstances must be approved through the employee's second level supervisor to the employee's servicing Director, DLA Human Resources Services for final approval.

5. Employees may be subject to testing, when based on the circumstances of the accident, their actions are reasonably suspected of having caused or contributed to an accident that meets any of the following criteria:

- a. A death or personal injury requiring immediate hospitalization; or
- b. Damage to Government or private property in excess of \$200,000 or more, but less than \$1 million;
- c. If an employee is suspected of having caused or contributed to an accident meeting any of the criteria stated above, the appropriate supervisor will present the facts and circumstances leading to and supporting this suspicion to the activity commander/director for approval. Once approval has been obtained and the arrangement made with the DPM for testing, the supervisor will prepare a written report detailing the facts and circumstances that warranted the testing.

GLOSSARY

DEFINITIONS

Applicant. Any individual tentatively selected for employment with DLA and includes any individual in DLA who has tentatively been identified for placement in a TDP and who has not, immediately prior to the placement, been subject to random testing.

Drug Program Administrator (DPA). The individual responsible for ensuring the development, implementation, and review of the DLA Drug Abuse Testing Program.

Drug Program Manager (DPM). The individual responsible for a service population within the appropriate DLA Human Resources Services.

Drug Program Coordinator (DPC). The individual responsible for implementing and operating the drug-testing program within the Headquarters or field activity.

Employee Assistance Program (EAP). The DLA counseling program that offers assessment, short-term counseling, and referral services to employees for a wide range of drug, alcohol, and mental health problems, and monitors the progress of employees while in treatment.

EAP Administrator. The individual responsible for ensuring the development, implementation, and review of the DLA EAP.

EAP Coordinator/Counselor. The individual responsible for implementing and operating the EAP within the Headquarters or field activity, by providing for counseling, treatment, and education services to employees and supervisors regarding the EAP.

Employee Relations Specialist (ERS). Advises supervisors in handling disciplinary matters, labor management meetings, and providing interpretation of CBAs.

Employees in sensitive positions:

Employees in positions designated by the Director, DLA, as Special Sensitive, Critical Sensitive, or Non-Critical Sensitive, in accordance with E.O. 10450, as amended;

Employees granted access to classified information or who may be granted access to classified information, pursuant to a determination of trustworthiness by the Director, DLA, under Section 4 of E.O. 12356;

Individuals serving under presidential appointments;

Law enforcement officers, as defined in 5 U.S.C. 8331 (20) and 8401 (17); or

Other positions that the Director, DLA, determines involve law enforcement, police officers, security guards, national security, the protection of life and property, public health or safety, or other functions requiring a high degree of trust and confidence.

Human Resources Specialist (HRS). Performs a variety of responsible technical and administrative duties and special projects in support of the Human Resources department functions and programs, including recruitment and selection and administration of employee benefits programs.

Illegal Drugs. A controlled substance included in Schedules I and II, as defined by Section 802(6) of 21 U.S.C., the possession of which is unlawful under Chapter 13 of that Title. The term “illegal drugs” does not mean the use of a controlled substance pursuant to a valid prescription or other uses authorized by law.

Individual Notices. An individual notice will be distributed to employees going into a TDP. The notice explains:

That the employee’s position has been designated a TDP;

That the employee will have the opportunity to voluntarily identify themselves (before being notified of a random drug test) as a user of illegal drugs and to receive counseling or rehabilitation, in which case disciplinary action is not required;

That the employee’s position will be subject to random testing no sooner than 30 days;

For bargaining unit employees, the notices must include any other requirements specified in the applicable bargaining unit agreement.

Management Official. An individual employed by an agency in a position in which the duties and responsibilities require or authorize the individual to formulate, determine, or influence the policies of the agency.

Medical Review Official (MRO). The individual responsible for receiving laboratory results generated from the DLA Drug-Free Workplace Program. The MRO is a licensed physician **holding current certification from an HHS approved MRO certifying organization** with knowledge of substance abuse disorders and the appropriate medical training to interpret and evaluate positive test results together with an individual’s medical history and any other relevant biomedical information.

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 testing-designated employees occupying a specified area, element, or position, or may be a statistically random sampling of such employees based on a neutral criterion.

Supervisor. An individual employed by an agency having authority in the interest of the agency to hire, direct, assign, promote, reward, transfer, furlough, layoff, recall, suspend, discipline, or remove employees, to adjust their grievances, or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature but requires the consistent exercise of independent judgment, except that, with respect to any unit which includes firefighters or nurses, the term “supervisor” includes only those individuals who devote a

preponderance of their employment time to exercise such authority as defined in 5 U.S.C. 7103(a) (10).

Testing-Designated Positions (TDPs). Positions described in Section 7(d) of E.O. 12564 and that are additionally designated (Appendix A of DLA's Drug Free Workplace Plan) by the Director, DLA, as subject to random drug testing. TDPs are characterized by their critical safety or security responsibilities as they relate to the mission of DLA. The job functions associated with these positions have a direct and immediate impact on public health and safety, the protection of life and property, law enforcement, or U.S. national security. These positions require the highest degree of trust and confidence. Positions that require non-critical or critical-sensitive clearance with access to classified information are designated as TDPs.

Verified Positive Test Results. A test result that has been screened positive by using a Federal Drug Administration approved immunoassay test, confirmed by a Gas Chromatography/Mass Spectrometry assay, or other confirmatory tests approved by HHS, evaluated by the MRO, and determined by him/her to be unjustified.