

# **Federal Drug-Free Workplaces Program Overview**

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# **Federal Drug-Free Workplace Programs**

## **Governing Authorities**

- Executive Order 12564
- Public Law 100-71
- Mandatory Guidelines

# **Federal Drug-Free Workplace Programs Guidance Documents**

- Model Plan for a Comprehensive Drug-Free Workplace Program
- 2013 Guidance for Selection of Testing Designated Positions

# **Executive Order 12564**

The Federal government, as the largest employer in the Nation, can and should show the way towards achieving drug-free workplaces through a program designed to offer drug users a helping hand and, at the same time, demonstrating to drug users and potential drug users that drugs will not be tolerated in the Federal workplace.

September 15, 1986

# Executive Order 12564

- Directed Agency Heads to develop a plan to include:

*“The mark of a successful drug-free workplace program also depends on how well the [Agency] can inform its employees of the hazards of drug use, and on how much assistance it can provide drug users.”*

- Policies/procedures for a drug-free workplace
- Employee Assistance Program
- Supervisory Training
- Employee Training
- Self Referrals to Treatment
- Testing Program – Sensitive/Voluntary Positions

# Public Law 100-71

Section 503 of the Supplemental Appropriations Act of 1987. Pub. L. 100-71, 101 Stat. 391, 468-471, codified at 5 U.S.C. 7301 note (1987)

- Prohibited spending of appropriated funds for drug testing unless:
  - Agency plan is certified by HHS and reported to Congress
- Required HHS to publish Mandatory Guidelines that:
  - Establish laboratory procedures, technologies, chain of custody
  - Specify drugs for which employees may be tested
  - Establish laboratory certification standards and processes

# Model Plan for a Comprehensive Drug-Free Workplace Program

- The Model Plan:
  - Serves as the foundation for the creation of all Certified Plans
  - Shaped to address agency mission and structure

# Testing Designated Positions

- Where a momentary lapse in judgment could result in catastrophic consequences that can not be remediated by the administrative process.

<http://workplace.samhsa.gov/pdf/2013GuidanceforSelectionofTestingDesignatedPositions.pdf>

# Drug Program Coordinator

- The Drug Program Coordinator (DPC) is responsible for implementing, directing, administering, and managing the drug program within the agency.
- The DPC Coordinator serves as the principal point of contact with the laboratory and for collection activities to assure the effective operation of the testing portion of the program.

# Marijuana - Clarification

- States have passed medical and recreational marijuana initiatives.
- Under the Controlled Substances Act, marijuana continues to be a Schedule I Drug.
- Continue to be tested under the Federal Drug Free Workplace Programs.

# Resources

Executive Order 12564:

[http://www.workplace.samhsa.gov/fedpgms/files/executive\\_order.pdf](http://www.workplace.samhsa.gov/fedpgms/files/executive_order.pdf)

Public Law 100-71:

[http://www.workplace.samhsa.gov/fedpgms/files/public\\_law\\_100.pdf](http://www.workplace.samhsa.gov/fedpgms/files/public_law_100.pdf)

Mandatory Guidelines:

<http://www.gpo.gov/fdsys/pkg/FR-2008-11-25/pdf/E8-26726.pdf>

Model Plan for a Comprehensive Drug-Free Workplace Program:

<http://www.workplace.samhsa.gov/FedPgms/Pages/ModelPlan508.pdf>

2013 Guidance for Selection of Testing Designated Positions:

<http://workplace.samhsa.gov/pdf/2013GuidanceforSelectionofTestingDesignatedPositions.pdf>

# Questions

- Go ahead and drug test me, I'm clean
- Unrelated question – Does catnip show up on these tests?