

Drug-Free Workplace Programs for Federal Agencies

Background

The Federal Drug-Free Workplace Program was initiated by Executive Order 12564 (Drug-Free Federal Workplace, 1986) which established the goal of a Drug-Free Federal Workplace and made it a condition of employment for all Federal employees to refrain from using illegal drugs on or off-duty. The following year, Congress passed legislation (Pub. L. 100-71) designed to establish uniformity among Federal agencies' drug testing plans, reliable and accurate drug testing, employee access to drug testing records, confidentiality of drug test results, and centralized oversight of the drug testing program.

Federal agencies were provided with the Model Plan for a Comprehensive Drug-Free Workplace Program, which mandated the components and other key features of Federal agency plans, and the Mandatory Guidelines for Federal Workplace Drug Testing Programs, which addressed the scientific and technical guidelines to be used by agencies and their laboratories in the drug testing of Federal employees.

Certification and Oversight

Certification and oversight of Federal agency plans is accomplished under a delegation of authority by an Interagency Coordinating Group Executive Committee, convened by the Office of National Drug Control Policy and staffed by the Division of Workplace Programs. The Executive Committee consists of representatives of:

The Division of Workplace Programs, which coordinates policy oversight, facilitates the certification and review of agency plans, convenes the Drug Testing Advisory Board to oversee scientific and technical issues involving drug testing, issues program guidance, and maintains the currency of the Mandatory Guidelines;

The Department of Justice, Civil Division, which designates an attorney to serve as the legal advisor and special counsel to the Federal Program; and

The Office of Personnel Management, which provides policy guidance to agencies on all personnel issues.

Interagency Coordinating Group

The Interagency Coordinating Group (ICG) consists of the Drug Program Coordinators from all Federal agencies. This group convenes periodically to receive status reports, consider emerging issues and problems, and exchange information and experiences.

Plan Review Certification

New or newly independent agencies subject to Executive Order 12564 use the Model Plan for a Comprehensive Drug-Free Workplace Program to develop their Drug-Free Workplace plans. These plans are submitted to the Division of Workplace Programs, which coordinates separate reviews by the Departments of Health and Human Services and Justice and the Office of Personnel Management. The Division then:

- Consolidates review results
- Negotiates changes with the agency
- Manages the process of certifying the acceptability and compliance of agency plans by the Secretary, Department of Health and Human Services in the form of a Report to Congress

Modification

Agencies with certified plans periodically determine that changes are needed in their Drug-Free Workplace plans. Substantive changes in the plan and changes in the positions designated for random testing require advance consultation and approval by the Interagency Coordinating Group Executive Committee. Agencies submit:

- Statement describing and justifying the proposed change(s)
- Job descriptions or summary of duties performed by positions being recommended for inclusion in or removal from the random testing pool

Ongoing Review

Ongoing oversight of agency Drug-Free Workplace programs is accomplished through periodic agency self-audits and reviews by the Division of Workplace Programs of current agency plans and lists of positions designated for random testing.