



**Court Services and Offender Supervision Agency
Pretrial Services Agency
for the District of Columbia
Office of Administration-Security**

POLICY STATEMENT

Drug-Free Workplace Program
Number: 5803
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Overview

Background

[Executive Order \(E.O.\) 12564 Drug-Free Workplace](#), requires federal agencies to implement a program for a drug-free workplace and established the following regulations:

- A condition of employment for all federal employees is to refrain from using illegal drugs;
- The use of illegal drugs by federal employees, whether on or off-duty, is contrary to the efficiency of service; and
- Persons who use illegal drugs are not suitable for federal employment.

The Supplemental Appropriations Act of 1987:

- Established uniformity among drug testing plans;
- Set reliable and accurate drug testing methods;
- Offered employees access to their drug testing records;
- Ensured confidentiality of drug test results; and
- Provided centralized oversight of the federal government's drug testing program.

The Court Services and Offender Supervision Agency (CSOSA) and the Pretrial Services Agency for the District of Columbia (PSA) (or collectively, "the Agency") are committed to fully complying with E.O. 12564 and related legislation to ensure a drug-free and safe working environment that protects the public and employees from the dangers of drug use.

This policy establishes the Agency's commitment to:

- Achieve a drug-free federal workplace consistent with all applicable federal laws and regulations; and
- Set forth objectives, policies, procedures, and implementation guidelines, to implement a Drug-Free Workplace Program (DFWP).

Policy Disclaimer

This policy is informed by US Department of Health and Human Services (HHS) guidelines and is subject to change as those guidelines are amended.

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Overview, Continued

Coverage This Policy Statement applies to all employees, applicants for employment, paid interns, and contractors of CSOSA and PSA. However, certain provisions under this policy may be limited to individuals who are federal employees.

- Authorities**
- Executive Order 12564 - Drug-Free Federal Workplace
 - Executive Order 10450 - Security Requirements for Government Employees
 - Executive Order 12958 - Classified National Security Information
 - 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)
 - Federal Acquisition Regulation 52.223-6, Drug-Free Workplace
 - Mandatory Guidelines for Federal Workplace Drug Testing Programs, which includes Scientific and Technical Requirements and Certification of Laboratories Engaged in Urine Drug Testing, 53 Fed. Reg. 11970 (1988), as revised (2017)
 - Civil Service Reform Act of 1978, P. L. 95-454
 - Sections 523 and 527 of the Public Health Service Act and implementing regulations at 42 C.F.R. Part 2 - Confidentiality of Alcohol and Drug-Abuse Patient Treatment Records]
 - The Privacy Act of 1974 (5 U.S.C. § 552(a))
 - 49 C.F.R Part 10, implementing the Privacy Act of 1974 for the Agency
 - Federal Employees Substance Abuse Education and Treatment Act of 1986, P.L. 99-570
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Supersedes This Policy Statement recertifies PS 5803 dated 5/27/2022 and is in effect until the next recertification of 6/27/2026.

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Overview, Continued

References

- [Policy Statement 1102 - Standards of Employee Conduct \(CSOSA Only\)](#)
 - [Policy Statement 4108 – Standards of Employee Conduct \(PSA Only\)](#)
 - [OI-OA-5803.1 Drug-Free Workplace Program \(CSOSA Only\)](#)
 - [OHCM Instruction 4803.1, Drug-Free Workplace Program Processes and Procedures \(PSA Only\)](#)
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Administrator

The CSOSA Office of Administration-Security (OA-S) is responsible for the contents of this policy.

Policy

Principles

- All employees of the Agency must refrain from the use or possession of illegal drugs both on and off-duty. The term "illegal drugs" (see [Drugs for Which Individuals are Tested](#)) **does not** mean using controlled substances according to a valid prescription or other uses authorized by law.
- Regardless of local or state law, marijuana remains a Schedule I substance under the Federal Controlled Substance Act and is still illegal under federal law. Agency employees must comply with federal law.
- The Agency's DFWP specifies the frequency of drug testing.
- The Agency's DFWP includes the following types of drug testing:
 - Pre-employment;
 - Random testing of employees in testing designated positions;
 - Reasonable suspicion;
 - Injury, illness, unsafe or unhealthful;
 - Voluntary; and
 - Follow-up testing to counseling or rehabilitation.
- At a minimum, the Agency is required to conduct annual random testing of 100% of the testing pool, which includes all positions designated for testing.
- Agency management reserves the right to increase or decrease the frequency of all types of testing based on the Agency's mission, needs, availability of resources, and experience with DFWP, consistent with the duty to achieve a drug-free workplace under the E.O. Order.

Note: 100% of the testing pool may not equate to 100% of CSOSA or PSA's testing designated positions.

Training

- All new employees and new supervisors must attend DFWP training within ninety (90) days of onboarding or assumption of supervisory position; and
 - All supervisors must attend biennial DFWP refresher training.
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Policy, Continued

**Drugs for Which
Individuals are
Tested**

The Agency tests employees and applicants for the following drugs:

- Marijuana;
- Cocaine;
- Opiates;
- Amphetamines;
- Phencyclidine (PCP);
- Oxycodone;
- Oxymorphone;
- Hydrocodone; and
- Hydromorphone.

For information on screening standards, go to [Standard Drug Testing Cut-Off Levels](#). For information on certified labs, go to [SAMHSA Certified Labs](#).

NOTE¹: Despite state and local laws legalizing or decriminalizing its recreational or medicinal use, marijuana remains a Schedule I substance under the Federal Controlled Substance Act and is illegal under federal law.

NOTE²: The Agency may test for additional drugs subject to the advance written approval of the Secretary of HHS.

NOTE³: Studies have shown that some CBD products' labeling does not accurately reflect their content. As such, an employee's drug test may be positive for the THC metabolite (the active ingredient in marijuana), delta-9-tetrahydrocannabinol-9-carboxylic acid (THCA), due to THC in the CBD product. The Agency strongly recommends employees refrain from using CBD products, which may contain THC and result in a positive drug test.

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Policy, Continued

Reporting Requirements

- Supervisors notify employees that they are required to report for drug testing. Employees must sign the Notification of Selection for Drug Testing. Thereafter, the employee must report to the drug testing site within two hours of receipt of the Notification of Drug Test.
 - **In the event the employee is teleworking or offsite (including fieldwork), the supervisor must determine if the employee is able to report within the two-hour timeframe.** If the employee is unable, the supervisor holds the Notification of Selection for Drug Testing and contacts the Drug-Free Workplace Program Coordinator (DPC) for approval to waive the two-hour timeframe for no longer than 24 hours from notification, giving the employee sufficient time to report for testing. Once approved, the supervisor issues the Notification of Selection for Drug Testing.
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Definitions

Collection The process of obtaining a urine sample specimen from an individual at a specified time and place.

Drug-Free Workplace Program Coordinator (DPC) The individual responsible for implementing, directing, administering, and managing the Agency's DFWP.

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

Illegal Drug A controlled substance included in Schedule I or II, as defined by [Section 802\(6\) of Title 21](#) of the United States Code, the possession of which is unlawful under Chapter 13 of that Title.

Medical Review Officer (MRO) A designated person employed by the Department of Interior and assigned to the Agency to receive laboratory results generated by the Agency's DFWP. The MRO is a licensed physician with knowledge of substance use disorders and the appropriate medical training to interpret and evaluate all positive test results together with an individual's medical history and any other relevant biomedical information.

Random Testing A method of selecting individuals for testing based on:

- Uniform, unannounced testing of testing designated employees occupying a specified area, element, or position; and
- A statistically random sampling of such employees based on a neutral criterion, such as social security numbers.

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Definitions, Continued

**Testing-
Designated
Position**

An employment position subject to random drug testing. A position description or job announcement identifies positions that are designated for random drug testing.

Testing Pool

For purposes of this policy, testing pool is the total group of Agency positions approved by the Department of Health & Human Services as testing designated positions. The testing pool is used to draw computer-generated random samplings for testing.

**Verified
Positive Test
Result**

A test result that was positive on an initial test, confirmed by a Gas Chromatography/Mass Spectrometry (GCMS) assay (or other confirmatory tests) approved by HHS, and reviewed and verified by the MRO.

Roles and Responsibilities

Employees

- Read and acknowledge receipt by signing all required DFWP forms and notices, including the Notification of Inclusion of a Test Designated Position and the Notification of Drug Test.
- Complete all required DFWP training within ninety (90) days of onboarding.
- Report to the drug testing site as directed under [Reporting Requirements](#).

Note: Employees have the right to self-refer themselves to the EAP program and seek help at any time during their employment. However, once selected for a random drug test, employees cannot self-refer prior to being tested or in lieu of testing.

Supervisors and Managers

- Complete all required DFWP training.
 - Abide by all confidentiality requirements.
 - Issue the Notification of Drug Test on the same day of receipt from the DPC. when the employee is in a **work status only; or on the first day of the employee's return to work status.**
 - Initiate drug tests based on reasonable suspicion in compliance with this policy and related procedures.
 - Issue the respective ELR prepared notice to the employee of confirmed positive drug test result.
 - Consult with the CSOSA Office of Human Resources (OHR) or the PSA Office of Human Capital Management (OHCM), as appropriate, upon finding or suspecting illegal drug use and, if deemed necessary, refer employees to the EAP for assistance in obtaining counseling and rehabilitation.
 - Consult with OHR or OHCM, respectively, and OGC or PSA Office of Legal Services, as appropriate, and initiate appropriate disciplinary action upon finding illegal drug use.
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Roles and Responsibilities, Continued

Supervisors and Managers,
continued

- Coordinate with the OHR or OHCM, as appropriate, and assist higher-level supervisors in evaluating employee performance and/or personnel problems related to illegal drug use.
 - For reasonable suspicion testing, the supervisor must consult with the respective CSOSA Deputy Director or PSA Assistant Director and the OHCM Deputy Assistant Director to review and concur with a request for a reasonable suspicion test.
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Drug-Free Workplace Program Coordinator (DPC)

- Implements, directs, administers, and manages the DFWP.
 - Serves as the Agency's principal point of contact with the laboratory, MRO and collection sites.
 - Develops Agency-level internal and external DFWP reports and meets all Agency DFWP external reporting requirements.
 - Arranges for testing authorized under this policy (random, reasonable suspicion, and pre-employment.)
 - Issues notification to all employees in newly added drug testing designated positions.
 - Informs managers and supervisors of random drug test selection for employees under their purview.
 - Documents and files signed employee acknowledgments of notifications.
 - Documents, through written inspection reports, all results of laboratory inspections conducted.
 - Notifies OHR, OHCM, and Office of Security of confirmed positive drug tests and abides by confidentiality requirements.
 - Coordinates and reports to the Office of Security activities and findings that may affect the reliability or accuracy of laboratory results.
 - Coordinates with the respective Offices of Procurement to ensure that contractors chosen to perform the drug screening tests certify their compliance with Federal Acquisition Regulation 52.223-6, Drug-Free Workplace.
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Roles and Responsibilities, Continued

**Drug-Free
Workplace
Program
Coordinator
(DPC),
continued**

- Acts as the Contracting Officer's Representative for the administration of all DFWP-related contracts and Inter-Agency Agreements (IAAs).
 - Acts as a liaison to the MRO and provides needed information. As requested by the MRO, assists in locating and contacting employees.
 - Conducts new employee, supervisor and refresher DFWP training in coordination with the CSOSA and PSA Training Centers.
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**Medical Review
Officer (MRO)**

- Receives all laboratory test results.
 - Notifies an individual who has tested positive, to discuss the test result and provide an opportunity to justify a positive test result.
 - Refers written determination regarding all verified positive test results to the EAP Administrator and the DPC, consistent with confidentiality requirements. The written determination must include:
 - The positive drug test result form indicating that the positive result has been verified;
 - Relevant documentation; and
 - A summary of findings.
 - Coordinates with and reports to the DPC on all activities and findings.
 - Confirms with the DPC that an individual who has been tentatively selected for employment with the Agency has obtained a verified positive test result.
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**CSOSA/PSA
Office of
Procurement**

- Acts as the Contracting Officer for the administration of all DFWP-related contracts and IAAs.
 - Ensures that all applicable contracts include [Federal Acquisition Regulation 52.223-6, Drug-Free Workplace](#).
 - Ensures that contract laboratories chosen to perform the drug screening tests are duly certified according to [HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs](#).
 - Ensures any other contracts to implement this policy conform to the technical specifications of the HHS Mandatory Guidelines.
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Roles and Responsibilities, Continued

CSOSA Office of Security

- Implements and operates the DFWP within the Agency.
 - Establishes the specific responsibilities of the DPC.
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CSOSA Office of Human Resources (OHR) or PSA Office of Human Capital Management (OHCM)

- Ensures job announcements and position descriptions for testing designated positions contain appropriate requirements.
 - Advises and assists managers regarding appropriate personnel and disciplinary actions related to illegal drug use.
 - Consults with OGC, as appropriate, on how to respond to illegal drug use.
 - Maintains personnel files that include documents associated with any supervisory or employee complaints, as appropriate, resulting in disciplinary and/or adverse actions.
 - Advises and counsels management and employees, and upon request, coordinates with the EAP, as well as outside providers when necessary, to provide counseling and rehabilitation.
 - Maintains confidentiality regarding services provided.
 - Notifies employees of placement in the random testing pool.
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CSOSA Training and Career Development Center (TCDC) or PSA Training and Career Development Unit

- Works with the DPC to develop a training package to ensure that all employees and supervisors are fully informed of the Agency's DFWP.
 - Implements and manages new employee training and supervisory training.
 - Ensures new employees and supervisors take DFWP training within 90 days of onboarding or assumption of supervisory position, and ensures supervisors receive biennial DFWP training.
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Offices of the Directors

- CSOSA and PSA Offices of Director must jointly agree to any changes to the Agency's DFWP.
 - Delegate authority for administrative actions to the respective designees when needed.
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