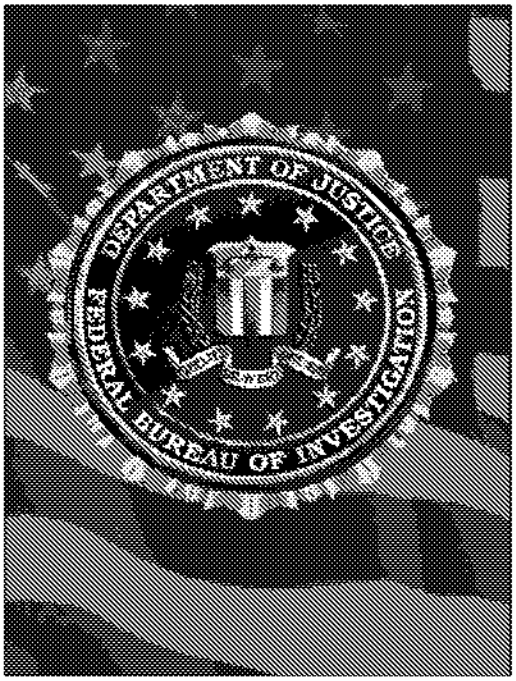
Drug-Free Workplace Program

Policy Guide



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General Information

Questions or comments pertaining to this policy guide can be directed to Federal Bureau of Investigation, Human Resources Division (Division 03), Office of Medical Services, Health Care Programs Unit, Drug Deterrence Program

Division point of contact: [redacted] b6 b7C

Supersession Information

This document supersedes the *Drug Deterrence Program Drug-Free Workplace Policy and Procedure Manual* dated April 1997; the all employee memorandum, dated April 10, 1997, regarding California Proposition 215 and Arizona Proposition 200; the all employee memorandum dated November 14, 1989, regarding random drug testing; the all employee memorandum dated June 3, 1986, regarding the Drug Deterrence Program; and the *Manual of Administrative Operation and Procedures* (MAOP), Part 1, Sections 1-25.1, 1-25.2, 1-25.3, 1-25.4, 1-25.5, 1-25.6, 1-25.7, 1-25.8, 1-25.8.1, 1-25.8.2, 1-25.9, 1-25.10, 1-25.10.1, 1-25.10.2, 1-25.10.3, 1-25.10.4, 1-25.10.5, 1-25.10.6, and 1-25.11

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1. Scope

1.1. Purpose

This policy guide (PG) sets forth the policies, procedures, roles, and responsibilities related to the Federal Bureau of Investigation's (FBI) Drug-Free Workplace Program (DFWP).

1.2. Intended Audience

This PG is directed primarily at those individuals who have responsibilities related to the of the Drug Deterrence Program (DDP) and, in particular, to those with responsibilities related to the Drug-Free Workplace Program, including collection personnel, supervisors, managers, and DDP administrators. All FBI employees should familiarize themselves with the *Drug-Free Workplace Program Policy Guide*.

1.3. Link to Policy

See the *FBI Drug Deterrence Program* policy directive (PD), 0599D.

2. Roles and Functional Responsibilities

2.1. The FBI's Drug Free Workplace Program

Organizationally, the FBI's Drug-Free Workplace Program falls under the Human Resources Division (HRD), Office of Medical Services (OMS), Health Care Programs Unit (HCPU). The Health Care Programs Unit is managed by the unit chief.

2.2. Human Resources Officer (Assistant Director [AD]), HRD

The AD, HRD has been given the authority to make changes to any PG relating to this program, as necessary, to further the best interests of the FBI.

2.3. Drug Deterrence Program Administrator (DPA)

The drug program administrator is responsible for the overall management and administration of the DDP within the FBI. The drug program administrator will be responsible for implementing, directing, administering, and managing the Drug-Free Workplace Program. The drug program administrator will serve as the principal contact with the drug testing laboratory to ensure that drug testing for the FBI is conducted properly, lawfully, and effectively. In particular, the drug program administrator must:

- Initiate random testing on a variable basis to ensure the integrity of the random testing program.
- Ensure that employees are notified of the scheduling of periodic testing.
- Receive notification from the medical review officer (MRO) of verified, positive results, and refer the confirmation to the FBI human resources officer (or his or her designee) for appropriate action.
- Notify employees with positive test results, consistent with confidentiality procedures, of the FBI's Employee Assistance Program (EAP), including contact information for its representatives.
- Maintain appropriate statistical records, including the numbers of employees and applicants tested and the test results.
- Ensure that applicants are tested prior to employment.
- Arrange for voluntary testing and suspicion-based testing, as appropriate or directed.
- Ensure the quality of contract laboratory services, the adequacy of equipment, skill sets of personnel, and working accommodations with on-site inspections and/or review of reports.
- Oversee the life of the contract to ensure continuous laboratory accreditation, quality control, and adherence to chain of custody (COC) procedures.
- Remain abreast of the latest technologies associated with drug screening and confirmatory test procedures.

When implementing the education and awareness portions of the DDP, the DDP administrator must ensure that:

- Training and education sessions regarding illegal drug use and rehabilitation are scheduled and attended.
- Events are publicized and films, pamphlets, and promotional materials are distributed.
- Technical aid and assistance are available to implement all parts of the DDP.

See Sections 3.4.4. and 4.1.12.1. of this PG for more information.

2.4. Drug Deterrence Coordinator (DDC)

The drug deterrence coordinator is the individual designated by the assistant director in charge (ADIC) or special agent in charge (SAC) and approved by the drug program administrator upon successful completion of training. The drug deterrence coordinator is responsible for implementing and operating the DDP in the field and ensuring adherence to established guidelines. The Office of Personnel Management (OPM) regulations prohibit individuals with EAP responsibilities from participating in drug testing activities, including the collection of urine specimens for testing. Each field office and FBI Headquarters (FBIHQ) division located outside of the J. Edgar Hoover Building must have a drug deterrence coordinator in place to administer the Drug Free Workplace Program in his or her respective office. The drug program administrator will administer the Drug Free Workplace Program for FBIHQ divisions located inside of the J. Edgar Hoover Building.

Specifically, the drug deterrence coordinator must:

- Provide urine specimen collection training to all drug program collectors.
- Serve as the initial point of contact for employees regarding the DDP.
- Be familiar with all applicable laws and regulations.
- Work with the drug program administrator to provide educational materials and training to supervisors, managers, and employees on the topic of illegal drugs in the workplace.
- Serve as the initial point of contact for the drug program administrator regarding the operation of the DDP in a field office.
- Serve as the contact person for DDP collection audits in a field office.

2.5. Drug Deterrence Program Collector (DPC)

The drug program collector is the individual responsible for instructing and assisting donors at a collection site and receiving and making initial examinations of urine specimens provided by those donors. A drug program collector must be trained and must receive drug program administrator approval before assuming drug program collector responsibilities. Drug program collectors must:

- Adhere to established collection procedures for drug testing.
- Ensure that urine specimens are shipped to the testing laboratory according to established urine specimen collection protocol.
- Enter drug test information into the DDP database in a timely manner.
- Submit necessary drug test paperwork to the DDP at FBIHQ (DDPHQ) in a sealed envelope within a timely manner.
- Be available to the DDP staff at FBIHQ for interviews regarding urine specimen collections, as necessary.

2.5.1. Employee Assistance Program Function

The FBI's EAP provides employees, immediate family members, and task force officers (TFO) with resources to obtain assessment and treatment for drug abuse. Its representatives provide consultation to supervisors whose employees have performance and/or conduct problems that may be related to substance abuse. With a client's consent, an EAP representative will monitor the client's progress during assessment, and, when necessary, during drug abuse treatment. This EAP case management facilitates appropriate communication between management and their employees regarding treatment progress and supports employees during their treatment.

Specifically, the EAP will:

- Provide referral resources and assistance to employees who self-refer for treatment or who test positive for substance abuse. Subject to an employee's consent, the EAP will monitor the employee's progress throughout the assessment and treatment processes.
- Provide management with the necessary resources to refer an employee to the EAP for substance abuse-related concerns.
- Ensure the confidentiality of communication between an employee and the EAP regarding substance abuse issues. Derivative communications and records maintained by the EAP must be held in confidence, as required by state law, federal law, and Bureau policy.

2.5.2. EAP Referral and Availability

The EAP must be made available to all employees. An employee found to be using illegal drugs must be referred to EAP, which will provide counseling and will assist the employee in obtaining assessment and appropriate treatment. All expenses for assessment and treatment are the responsibility of the employee. Should an employee be dismissed after referral to EAP, the EAP representative may provide the employee with referrals for outside assessment and treatment. Upon dismissal of an employee, the EAP will be unable to provide monitoring or case management of that individual's treatment.

2.5.3. EAP Employee Education

2.5.3.1. Objectives

The EAP will offer the following information as part of its overall educational objectives:

- Referrals for substance abuse assessment and treatment-related issues.
- The relationship of the EAP to the drug testing program.
- State and federal laws related to confidentiality in drug abuse matters.

2.5.3.2. Means of Education

Drug education activities may include:

- Distribution of written materials.
- Lunchtime employee forums.
- DDP-sponsored employee drug awareness days and education/awareness information on the DDP Intranet site.

2.6. Unit Chief (UC), Employee Assistance Unit (EAU)

The UC, Employee Assistance Unit is responsible for ensuring the development, implementation, and review of the EAP. The UC, Employee Assistance Unit must:

- Assume the lead role in the development, implementation, and evaluation of the EAP.
- Supervise field office EAPs to ensure each field office provides substance abuse education and support to FBI employees, their families, and task force officers.
- Ensure that annual EAP statistical reports to the Department of Justice (DOJ) include data on employee substance abuse within the FBI.

2.7. Regional Program Manager (RPM)

There are six regional EAP program managers. Regional program managers must:

- Supervise the EAPs in their respective regions.
- Provide guidance and assistance to EAP peers and coordinators.
- Offer education and training to management and employees regarding EAP services.
- Assist supervisors with performance and/or personnel problems that may be related to substance abuse.

2.8. EAP Coordinators and Peers

EAP coordinator and peer responsibilities include providing short-term assessment and referral services to all FBI employees, family members, and task force officers.

Employees may use the EAP voluntarily or may be referred by management. EAP coordinators and peers will:

- Provide assessment and referral services to FBI employees, family members, and task force officers.
- Provide education and training to employees within their respective field offices or divisions.
- Assist supervisors with performance and/or personnel problems that may be related to substance abuse.
- Monitor the progress of a client during and after substance abuse assessment and treatment, with the employee's consent.
- Maintain a list of treatment programs and facilities, including the following information:
    - Name, address, and phone number of the treatment facility
    - Types of services provided
    - Hours of operation, including emergency hours
    - Contact person's name and phone number
    - Fee structure, including insurance coverage
    - Client specialization
    - Other pertinent information related to the treatment program or facility
- Periodically conduct on-site visits to treatment facilities to meet administrative and clinical staff members, tour physical facilities, and evaluate the experiences, certifications, and educational levels of staff members.

2.9. Employee Assistance Program Counselor (EAC)

EAP counselors are licensed clinicians trained to provide direct EAP counseling services to FBI employees, family members, and task force officers. EAP counselors are located at FBIHQ and in eight field offices. In field offices, EAP counselors serve as program coordinators and provide:

- Counseling, assessment, and referral services to FBI employees, family members, and task force officers.
- Education and training to employees within their respective field offices or divisions.
- Assistance to supervisors with performance and/or personnel problems that may be related to substance abuse.
- Monitoring of clients during and after substance abuse assessment and treatment, assuming employees consent.

- A current list of treatment programs and facilities, including the following information:
  - Name, address, and phone number of the facility.
  - Types of services provided.
  - Hours of operation, including emergency hours.
  - Contact person's name and phone number (at the facility).
  - Fee structure, including insurance coverage.
  - Client specialization.
  - Other pertinent information.
- Conduct on-site visits to treatment facilities periodically to meet administrative and clinical staff; tour sites; and ascertain the experiences, certifications, and educational levels of staff members.
- Employee assistance coordinators with appropriate credentials may conduct substance abuse assessments, provide treatment, and/or provide appropriate referrals to community resources.

2.10. Medical Review Officer

The role of the medical review officer is to review and interpret tests results obtained through the FBI's DDP contract laboratory. The medical review officer must be a qualified professional who has knowledge of substance abuse disorders and who has medical training to interpret and evaluate positive, adulterated, and substituted tests results, together with an individual's medical history and other relevant biomedical information. All reports submitted by the DDP contract laboratory to the medical review officer must contain the specimen laboratory number assigned by the drug testing laboratory; the specimen identification number; the employee identification (ID) number, if provided; the name of donor; pertinent medical history; and the results of the drug test. All specimens negative on the confirmatory test will be reported as negative. Consistent with the Privacy Act, only specimens confirmed positive by the medical review officer will be reported to the drug program administrator as positive for illegal drugs by various means. Specimens confirmed as adulterated or substituted will be reported as a refusal to test.

Pursuant to the Department of Health and Human Services (HHS) mandatory guidelines, and for official purposes, the medical review officer:

- May conduct medical interviews of employees or applicants.
- May review employee or applicant medical histories or any other biomedical factors.
- Will review all medical records made available by the tested employee when a confirmed positive result could have resulted from legally prescribed medication.

- Will refer the case to the drug program administrator after the laboratory results are verified.
- May deem that the positive laboratory result is consistent with legal drug use and will notify the drug program administrator accordingly.
- May deem the results scientifically insufficient for further action and declare the test to be negative based on a review of inspection reports, quality control data, multiple samples, blind controls, and other pertinent results.
- May order a reanalysis of the original sample if any questions arise as to the legitimacy of a positive test.

Employees who test positive for illegal drugs will be afforded an opportunity to consult with the medical review officer to provide evidence that may "justify" a positive test result. Information used to justify a positive result may include, but will not be limited to:

- A valid prescription.
- An affidavit from the employee's physician verifying a valid prescription.

2.11. Supervisory Training Programs

The FBI is committed to providing managers and supervisors with appropriate training to enable them to identify and address illegal drug use by employees.

A supervisory and managerial training program must be provided in accordance with Executive Order (EO) 12564. This training program is designed to assist managers and supervisors to recognize and effectively deal with illegal drug use and its associated workplace issues. Training topics include:

- Executive Order 12564 and related guidance provided by governmental agencies.
- The FBI's policy regarding employees who illegally use drugs.
- How to recognize behavioral symptoms that may interfere with job performance.
- Proper documentation of employee performance and behavior.
- Guidance regarding how to approach employees suspected of drug abuse.
- The EAP's role and services.

The training program will contain written material for supervisors to use with their employees.

2.12. Supervisory Responsibilities

All supervisors must be trained to recognize and address illegal drug use by employees and will be provided information regarding referral of employees to EAP, EAP procedures and requirements for drug testing, and behavioral patterns that give rise to a reasonable suspicion of illegal drug use.

First and second line supervisors must:

- Be responsible for developing reasonable suspicion of illegal drug use by employees under their supervision, documenting relevant factual observation and obtaining approval from the next higher supervisor or manager.
- Notify the SAC or division head that reasonable suspicion drug tests may be warranted for employees under their supervision.
- Refer employees to the EAP for assistance in obtaining counseling and rehabilitation when there is a finding of illegal drug use.

The SAC or division head must:

- Be responsible for developing reasonable suspicion of illegal drug use by a direct subordinate after documenting factual observations.
- Determine whether a request to test for reasonable suspicion should be made to Initial Processing Unit (IPU), Internal Investigations Section (IIS), and Inspection Division (INSD) for an employee under his or her supervision.
- Ensure that employees under his or her supervision have been referred to the EAP for assistance in obtaining counseling and rehabilitation when there is a finding of illegal drug use.

3. Policies

3.1. Statement of Policy

The FBI has a zero tolerance policy for illegal drug use. All FBI employees must adhere to the FBI's Drug-Free Workplace Program and are subject to drug testing. Employees who engage in illegal drug use, whether on or off duty, are subject to disciplinary action, up to and including dismissal. In addition, FBI employees required to operate commercial motor vehicles are subject to the FBI's Alcohol and Controlled Substance Abuse Program (ACSAP) and must adhere to its requirements.

In addition to the above, all FBI employees are subject to the provisions stated in Policy Directive 0358D ("FBI Alcohol Policy") and 0358PG (*FBI Alcohol Policy Guide*).

Contractors directly engaged in the performance of work under a government contract must follow the provisions stated in Section 52.223-6 of the Federal Acquisition Regulation.

3.2. Drugs to Be Screened

The FBI testing protocol involves the detection of the following five categories of drugs:

1. Amphetamine:
   - Amphetamine
   - Methamphetamine
   - MDMA (methylenedioxymethamphetamine):
     - MDA (methylenedioxyamphetamine)
     - MDEA (methylenedioxyethylamphetamine)
2. Cocaine: benzoylecgonine
3. Cannabinoids: marijuana (delta-9-tetrahydrocannabinol-9-carboxylic acid [THCA])
4. Opiates:
   - Codeine
   - Morphine (heroin)
   - 6-acetylmorphine
5. Phencyclidine (PCP)

The FBI may also test for any Schedule I or Schedule II drugs under the "Reasonable Suspicion" testing category, as identified in the guidelines published by the Department of Health and Human Services.

3.3. Detection Method by an FBI-Certified Laboratory

The FBI's DDP urinalysis is performed by a two-step screening confirmation process. The initial screening immunoassay (IA) is used to eliminate negative samples and to show which sample may contain a controlled substance.

The initial screening immunoassay step is a rapid semiquantitative chemical test that uses a specific antibody to react with the drug metabolite of interest. The confirmation assay used in the drug analysis procedure is gas chromatography/mass spectrometry (GC/MS), which is scientifically acknowledged to be the most sensitive and accurate method for confirmation of the presence of drugs in biological samples.

Validity testing of the sample must also be performed by the certified laboratory. The certified laboratory must:

- Determine the creatinine concentration of each specimen.
- Determine the specific gravity of each specimen for which the creatinine concentration is less than 20 milligrams/deciliters (mg/dL).
- Determine the pH level of each specimen.
- Perform one or more validity tests for oxidizing adulterants of each specimen.
- Perform additional validity tests when the following conditions are observed:
  - Abnormal physical characteristics
  - Reactions or responses characteristic of an adulterant obtained during initial or confirmatory drug tests (e.g., nonrecovery of internal standards or unusual response)
  - Possible unidentified interfering substance or adulterant

The choice of additional validity tests will depend on the observed indicators or characteristics described above.

3.4. Scope of Testing

The FBI's drug testing program will be used for the following categories of individuals:

- Applicants seeking employment
- Probationary special agents (SA) during the first two years of employment
- Employees about whom there is reasonable suspicion of illegal drug use
- Employees selected pursuant to a random testing program
- Employees for whom follow-up drug testing is appropriate or required
- Employees who volunteer to be tested for illegal drugs

3.4.1. Applicant Testing

Urinalysis is required of all applicants for employment with the FBI.

3.4.1.1. Minors

Applicants under the age of 18 shall submit a minor's consent form documenting parental consent for drug testing. The DDP has established two consent forms, one for minors and one for adults (see Appendix D). These forms have been approved by the Office of the General Counsel (OGC). The appropriate form must be provided to, and executed by, the minor applicant and be signed by the applicant's parent or guardian prior to the drug testing. The completed form must be returned to the drug program collector prior to drug testing, who will then forward the consent form to the DDP at FBIHQ.

3.4.1.2. Special Agent Applicants

All FBI on-board professional staff employees applying for SA positions must pass an agent applicant drug test.

All applicants will be notified of the FBI's DDP, and all FBI brochures, literature, handouts, and applications relating to recruitment will contain statements regarding the FBI DDP/Drug-Free Workplace policy. Applicants will not be notified in advance of the actual dates and times of their drug tests. All applicants must be notified that they may be denied employment if the test results are positive for illegal drug use, if the lab determines that the applicant has altered or attempted to alter or substitute a urine specimen, or upon refusal to provide a urine specimen when required.

3.4.2. Probationary Employment Testing

As an acknowledged policy and condition of employment, all probationary SAs must be tested during their probationary periods. Unjustified failure to appear for testing or refusal to provide a specimen will be considered a refusal to participate in testing, and administrative action for insubordination may be initiated. The probationary employee will not be notified in advance when the sample will be requested.

3.4.3. Reasonable Suspicion Testing

"Reasonable suspicion" is an articulable belief, based on specific and particularized facts and reasonable inferences from those facts that an employee used or is using illegal drugs. Reasonable suspicion that an employee used or is using illegal drugs may be based upon, among other facts, the following:

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3.4.4. Random Testing

All FBI employees are subject to random testing through a computer-generated selection process. An employee selected at random must provide a urine specimen for the purpose of drug detection. Each randomly selected employee will be informed that his or her selection was random and that he or she is not under suspicion of illegal drug use. Unjustified failure to appear for testing or refusal to provide a specimen will be considered refusal to participate in testing, and administrative action for insubordination may be initiated. See Sections 2.3. and 4.1.12.1. for further information.

3.4.5. Follow-up Testing

Follow-up testing, on an unannounced basis, will be required for up to one year when an employee participates in a drug treatment program and after completion of such a treatment program. Referrals to such drug treatment programs may be obtained through EAP.

3.4.6. Voluntary Testing

With drug program administrator approval, an employee may request and receive testing for illegal drugs.

4. Procedures and Processes

4.1. Drug-Free Workplace Urine Specimen Collection Procedures

Drug-Free Workplace Program urine specimens must be collected in accordance with Department of Health and Human Services guidelines and procedures.

Before testing, the collector will review and/or become familiar with all specimen collection and chain of custody procedures. Links to detailed instructions and other resources are available on the Drug Deterrence Intranet site.

Notification to employees of the testing will be provided only on the day of collection, allowing only enough time for the donor to report to the testing location.

4.1.1. Contacting the Employee Donor

The individual to be tested (hereinafter the "donor") will be advised telephonically of his or her selection for drug testing and will be given a specific time and location to report for testing. The donor will then be allowed 15 minutes from the time of the phone call to report to the testing location.

For refusals or failure to show, refer to Section 4.1.10. of this PG, "Employee Refusal to Test."

4.1.2. Verifying the Donor's Identity

Prior to testing, the collector must request photo identification from the donor. A logbook may be used to record the date, donor's name, employee identification number, and time of collection. If the collector uses a logbook to record identifying information, the logbook must be secured in a locked file cabinet or safe, and the identifying information must be kept confidential. Measures must be taken to prevent unintended disclosure of identifying information regarding other donors from the current donor, such as by covering the previous entries in the logbook, thus mitigating unintended disclosure.

4.1.3. Executing the Drug Testing Forms

The collector will explain the collection and analysis procedures to the donor, answer questions from the donor, and ensure that the donor completes a DDP/Drug-Free Workplace acknowledgement form, signifying the donor's consent to drug testing.

The donor will not list any medications he or she may be taking on the acknowledgment form. However, the donor may list medications on the back of his or her copy of the "Federal Drug Testing Custody and Control Form" (custody and control form). In the event the donor's drug test is positive, the donor will be required to submit a valid prescription to the medical review officer at FBIHQ, Health Care Programs Unit, 935 Pennsylvania Avenue N.W., Washington, DC 20535.

If the donor refuses to sign the acknowledgment form, the collector must note on the acknowledgment form that the donor received the notice. The collector must then sign and date the acknowledgment form. This acknowledgment will be centrally filed at FBIHQ for easy retrieval by the drug program administrator and is only advisory in

nature. A donor's failure to sign the notice will not preclude testing of that individual. Employee identification numbers will be used as identifying numbers within the FBI. The employee identification number will be utilized to identify the samples throughout the collection, shipping, and testing phases of the urine screening. If the employee's identification number is not known at the time of collection and/or the donor elects to not furnish his or her employee identification number, the specimen identification number will be used to identify the sample. The collector must annotate this in step 2 of the "REMARKS" section of the custody and control form. Once received at the laboratory, the appropriate identifying number will be used in processing through the analysis phase of the specimen.

The purpose of the identifying number is to protect the donor's identity. Laboratory testing personnel will not have access to donors' names.

During the collection phase, each donor will be provided with a urine specimen kit containing a single-use collection container, two specimen bottles, and a specimen bag.

The custody and control form will be used to record the specimen collection and to maintain a chain of custody record. The collector must, in the presence of the donor, complete all items indicated on the form and bottle seal, making sure to use indelible ink. All areas of both the custody and control form and bottle labels must be completed in their entirety. The donor's name must never appear on the bottle labels or on the laboratory custody and control forms.

An affidavit form may be faxed to the collector when specific areas of the custody and control form are left blank, provided that specimen integrity is not affected. The collector must complete, sign, and date the affidavit and fax the form to the laboratory. Noncompliance or failure to send the affidavit immediately to the laboratory as instructed will result in rejection of the specimen.

Excessive use of affidavit forms by collectors will be addressed as collection errors and handled accordingly by the DDP at FBIHQ.

4.1.4. Removal of Outer Garments/Emptying of Pockets

The collector will request that the donor remove any unnecessary outer garments (e.g., coat or jacket) that might conceal items or substances that could be used to tamper with or adulterate the urine specimen. All personal belongings (e.g., purse or briefcase) must remain with the outer garments; however, the donor may retain his or her wallet. The collector will request that the donor empty his or her pockets and display the contents for inspection. The collector will check the pocket contents to ensure that no items are present that could be used to substitute or adulterate the specimen. If questionable items appear to have been brought inadvertently to the collection site, the collector must secure such items and continue with the collection. Questionable items may include eye drops, pills, capsules, sprays, or liquids. If an item appears to have been brought to the collection site with the intent to substitute or adulterate the specimen, the drug program administrator must be contacted immediately and the drug test must be conducted under direct observation. A donor's refusal to display the contents of his or her pockets will be

deemed a "refusal to test," requiring the collector to contact the drug program administrator immediately. The collector must document in writing any conversation that transpires and/or any unusual behavior or appearance on the part of the donor. This documentation must be submitted directly to the drug program administrator by electronic communication (EC). If the donor's pocket contents do not include any such items, all items may be returned to the donor and the collector will continue with the urine specimen collection. The collector must instruct the donor to wash and dry his or her hands in the presence of the collector prior to urination.

4.1.5. Preparing the Restroom

At the collection site, a toilet bluing agent will be placed in the toilet for each specimen collection. There should not be any source of water (shower, sink, etc.) or possible adulterants such as soaps, cleaning fluids, or air fresheners in the room where the specimen is obtained. If necessary, all water sources will be taped or turned off and all potential adulterants will be removed.

4.1.6. Collecting the Specimen

All federal agency collections are to be "split" specimen collections. The collector will explain to the donor that he or she must provide a urine sample of at least 45 milliliters (mL) of urine during one void. The collector will instruct the donor to void into the single-use specimen container, not flush the toilet, and return with the specimen within four minutes after completing the void. If the collection site is a public restroom, the following procedures must be followed: (1) The restroom must be secured and closed off to the public during the specimen collection; (2) A collector will accompany the donor into the public restroom and remain outside the stall until the specimen is collected. Direct observation by a collector of the same sex may be made in exceptional circumstances when there is reason to believe a particular individual may alter or substitute the specimen provided. A reason to believe a person may alter or substitute the specimen includes, but is not limited to, evidence that an employee has tampered with a previous specimen.

When accepting a urine specimen from the donor, the collector should follow "universal precautions" by wearing disposable latex gloves to avoid direct contact with the specimen bottle. In the event of a spill, the collector should contact the proper cleaning staff to clean and decontaminate the work area or, in the alternative, use decontamination procedures as instructed. Urine should be discarded only in a toilet bowl, not a sink.

According to the Bloodborne Pathogen Exposure Control Plan, DDP collectors are at reasonable risk of exposure or contact with blood or other potentially infectious materials. Therefore, FBI collectors should have received hepatitis B vaccines and appropriate training prior to assuming collection responsibilities.

Both the donor and the collector must keep the specimen in view at all times prior to sealing and labeling the specimen bottles. Upon receipt of the donor's specimen, the collector must determine that the container holds at least 45 milliliters (one and one-half ounces [oz.]) of urine. If the donor is unable to provide an adequate specimen, he or she

may be given a reasonable amount of liquid, but no more than 40 ounces of water over a period of three hours). The donor must remain under observation until able to provide an adequate specimen.

The collector must also determine and indicate on step 2 of the custody and control form whether the specimen is [redacted] b7E the collector will label the specimen and, on the custody and control form, document the [redacted] in the "Remarks" section. [redacted]

After the donor has provided an acceptable specimen to the collector, the collector pours at least 30 milliliters of urine into bottle A and at least 15 milliliters of urine into bottle B, tightly sealing the bottle caps to eliminate the possibility of leakage. In the presence of the donor, the collector places the tamper-evident label/seal from the custody and control form over each specimen bottle cap and records the date. The donor initials each tamper-evident label/seal and may be allowed to flush the toilet and wash his or her hands. The collector must inspect both specimen bottle labels to ensure they are complete. The collector must record the appropriate information on the custody and control form. The collector will place and properly seal the specimen and the appropriate laboratory copy of the custody and control form in the container/envelope provided. The sealed container must be transferred to the laboratory by courier service, in compliance with the company's procedures for shipment of bodily fluids.

The collector will then give the donor his or her designated copy of the custody and control form.

4.1.7. Preparing the Specimen for Shipment

All specimens should be mailed on the day of collection. If circumstances prevent same-day shipment, the specimen must be refrigerated and sent immediately on the next business day. Specimens left unrefrigerated overnight may have to be retaken. The collector must contact the DDP at FBIHQ for guidance prior to retesting a donor.

Each field office will contact its local courier service to arrange for same-day pickup of the specimen(s) unless the courier is under contract for daily pickup. The shipping confirmation number, if provided, must be recorded on the "sender's" copy of the air bill and be retained by the collection office in its control file. Offices that do not retain the sender's copy of the air bill may be cited for inspection purposes.

4.1.8. Data Entry

A DDP computer system links all field offices to FBIHQ. It is the responsibility of a field office to enter the collection information into the computer system on the same day of the collection.

4.1.9. Submitting Drug Testing Forms to the FBIHQ Drug Deterrence Program

The collector is responsible for sending the DDP at FBIHQ the designated copies of the custody and control form and the original FD-744. These and all communications regarding the DDP/Drug-Free Workplace Program must be sent in a sealed envelope to FBIHQ, Attention: Health Care Programs Unit, DDP, Room 1B390.

4.1.10. Employee Refusal to Test

If an employee refuses to participate in the FBI's DDP/Drug-Free Workplace Program, the DDP collector must inform the employee of the seriousness of his or her decision.

The employee must be notified that refusal to be tested when required will be considered insubordination, subject to disciplinary action, up to and including dismissal.

If, after notification, the employee still refuses to be tested, the DDP coordinator must notify the DDP at FBIHQ immediately, before dismissing the employee. The coordinator must request that the employee complete the "Drug Deterrence Program Refusal Form" (FD-837) in its entirety.

Any conversation between the employee refusing the test, the collector, and the coordinator must be documented in an EC to the Health Care Programs Unit, Drug Program Administrator, Room 1B390. This information will be brought to the attention of the Initial Processing Unit, Internal Investigations Section, INSD for further administrative action.

4.1.11. Applicant Testing

Upon the medical review officer's receipt of test results from the testing laboratory, the DDP at FBIHQ/Drug Free Workplace Program will determine the identity of each donor by comparing the previously submitted names and identity numbers to the number on each specimen. The computer systems for all appropriate applicant processing units interface with the DDP computer system and receive a pass or fail code that reflects the status of each drug test.

In order to avoid delays in applicant processing and eliminate unnecessary administrative correspondence, field offices will continue applicant processing subsequent to submitting urine specimens for drug testing, unless advised to the contrary.

The medical review officer will review all specimens confirmed positive, adulterated, or substituted prior to the initiation of any official action concerning the applicant. If the medical review officer determines that there is no alternate medical explanation for the positive test, he or she must so notify the DDP administrator, who will then prepare an EC identifying the donor and describing the drugs identified in the donor's specimen. The DDP administrator will forward the EC to the management official of the appropriate applicant processing unit. The EC will become a permanent part of the applicant's record.

Upon receipt of an EC regarding a verified, positive drug test, the applicant processing unit must immediately notify the relevant field office to discontinue processing the

applicant for employment with the Bureau, and notify the applicant by letter that he or she has been rejected as a suitable candidate for employment with the FBI.

Inquiries and appeals from applicants denied employment with the FBI due to positive drug tests will be handled by the appropriate hiring or processing unit. If an applicant is rejected because of illegal drug use, including marijuana, cocaine, or phencyclidine, the application will not be given further consideration for employment with the FBI. In the event the applicant's drug test detected a legitimate prescription drug, then the applicant's inquiry or appeal will be referred to the medical review officer for review prior to a final decision. Such inquiries and appeals will be reviewed on an individual basis, taking into consideration the verification of the legitimacy of the drug used and the possible lack of candor on the part of the applicant.

4.1.12. Testing of On-Board Employees

4.1.12.1. Random Selection and Probationary Testing

Notification to employees of their selection for random testing and for SAs tested within their probationary periods of employment will be made to field offices and FBIHQ divisions by the drug program administrator. Field offices must follow established collection procedures and forward collected specimens to assigned testing laboratories.

Upon receipt of results from a testing laboratory and after review by the medical review officer, the DDP at FBIHQ/Drug-Free Workplace Program will correlate the test results with the names of the individuals selected for testing. Records will be maintained regarding negative tests; however, in order to minimize administrative burdens, field offices will not be notified of test results that do not reveal illegal or improper drug use.

All specimens confirmed positive by gas chromatography/mass spectrometry for illegal drugs, and specimens reported as adulterated or substituted, will be reviewed by the FBI's medical review officer prior to the initiation of any official action. In the event of a verified, positive test or a refusal to test, the medical review officer must notify the DDP administrator, who will prepare an appropriate EC outlining the selection procedures and test results. This EC will be forwarded to the Initial Processing Unit for initiation of an appropriate investigation.

The investigation conducted by the Internal Investigations Section will be conducted in accordance with the FBI's regulations regarding investigation of employee misconduct. The results of such an investigation will be forwarded to the appropriate adjudication unit (AU) in the Office of Professional Responsibility (OPR) for adjudication and disciplinary action, if appropriate.

A copy of the EC prepared in the event of a verified, positive test will be forwarded to an EAP counselor, who will immediately initiate contact with the employee and extend the assistance and rehabilitation services mandated by Executive Order 12564. In fulfillment of this requirement, a letter will be prepared by the drug program administrator to the employee, outlining the services available and providing names of individuals who could

provide guidance and assistance. This letter will be forwarded to the employee by registered mail, return receipt requested.

See Sections 2.3. and 3.4.4. of this PG for more information.

4.1.12.2. Reasonable Suspicion Testing

If a supervisor suspects that an employee is using illegal drugs, specific steps must be followed to initiate a reasonable suspicion drug test. Reasonable suspicion drug testing is [redacted] the five categories of drugs for which drug testing is normally conducted (marijuana, cocaine, phencyclidine, opiates, and amphetamines). Reasonable suspicion testing can be done for any Schedule I or II drug. The drug program administrator must be advised prior to the collection of the specimen that additional testing is requested. b7E

Before a reasonable suspicion drug test can be conducted, all of the following sequence of events must occur:

- The first line supervisor will gather all information, facts, and circumstances leading to and supporting this suspicion.
- The second line supervisor must then decide, after reviewing all documented information with the first line supervisor, if there is enough evidence to substantiate reasonable suspicion. Documentation must contain specific facts and circumstances that lead both the first and second line supervisors to believe that this individual was using illegal drugs.

This documentation will then be brought to the attention of the SAC, ADIC, or division head, who will then determine whether to recommend that the employee be tested.

When such a recommendation is made, a written communication will be prepared to include, at a minimum, the appropriate dates and times of reported drug-related incidents, reliable/credible sources of information, and any other justification for a test.

This communication must be forwarded to the Initial Processing Unit, Internal Investigations, INSD, FBIHQ. It is the responsibility of the section chief of the Internal Investigations Section, INSD (or his or her designee) to determine if reasonable suspicion exists and authorize the collection of a urine specimen for testing. Once the test is authorized, the DDP office must be advised of the name of the agent handling the case. Test results will be reported to the Internal Processing Unit by the drug program administrator after the medical review officer has conducted the required review to ensure that an alternate medical reason for the presence of the drug(s) does not exist.

When testing is conducted based on reasonable suspicion, direct observation is no longer necessary. Reasonable suspicion tests should be conducted like any other test, unless the collector feels that the donor may alter the specimen or in the case where the collector hears or sees something suspicious during the specimen collection process. If this occurs, another specimen, provided under direct observation, will be required, and both specimens will be submitted for analysis. A refusal to provide a specimen will be considered refusal to participate in testing, and administrative action for insubordination

may be instituted. Following investigation by the Internal Investigation Section, the investigative results will be forwarded to the appropriate adjudication unit in OPR, which will act upon each case as outlined under random and probationary testing.

4.1.12.3. Follow-up Testing

Unannounced follow-up testing will be required during or after EAP counseling or rehabilitation, and for up to one year after the completion of rehabilitation. In such cases, the DDP administrator is authorized, at his or her discretion, to initiate the collection of urine specimens for testing. Thereafter, the reporting procedures will be the same as those detailed for reasonable suspicion testing, including direct observation.

4.1.12.4. Voluntary Testing

In order to demonstrate their commitment to the FBI's goal of a drug-free workplace, employees may volunteer for testing by contacting the DDP administrator.

The DDP administrator, at his or her discretion, is authorized to initiate the collection of urine specimens for testing. Thereafter, the reporting procedures will be the same as those detailed for random selection testing.

4.2. Disciplinary Actions

4.2.1. Determination

An employee may be found to use illegal drugs on the basis of appropriate evidence, including, but not limited to:

- Direct observation.
- Evidence obtained from an arrest or criminal conviction.
- A refusal to test based upon an attempt to alter or substitute a specimen.
- A verified, positive test result.
- An employee's voluntary admission.

4.2.2. Administrative Actions

An employee believed to have engaged in prohibited drug use must be referred to:

- The INSD, Internal Investigations Section for investigation of alleged drug use. The results of the Internal Investigations Section's investigation will be forwarded to OPR for adjudication.
- The Security Division for consideration of issues related to retention of the employee's security clearance.
- The EAP for assistance and rehabilitation recommendations.

4.2.3. Range of Consequences

The FBI has a zero tolerance policy for illegal drug use. Employees who engage in any unlawful drug use, on or off duty, are subject to disciplinary actions, up to and including dismissal.

4.2.4. Refusal to Take A Drug Test When Required

An employee who refuses to be tested when so required will be considered insubordinate and subject to disciplinary action, up to and including dismissal. An EC will be prepared referring such incidents to Initial Processing Unit, Internal Investigations Section, INSD for appropriate action.

Attempts to alter or substitute a provided specimen will be deemed a refusal to take a drug test when required. No applicant who refuses to be tested will be extended an offer of employment.

4.2.5. Voluntary Referral

The decision to discipline an employee who (1) voluntarily refers himself or herself to the EAP; (2) completes counseling and rehabilitation through the EAP; and (3) refrains from illegal drug use will be made by OPR on a case-by-case basis, depending on the facts and circumstances in the individual case. An absolute bar to discipline cannot be extended due to the extreme sensitivity of all FBI positions, but OPR will favorably consider determining whether to discipline that employee if the employee (1) voluntarily referred himself or herself to EAP; (2) completed counseling or rehabilitation; and (3) refrained from illegal drug use.

4.3. Savings Clause

To the extent that any procedures specified in the DDP are inconsistent with the *Mandatory Guidelines for Federal Workplace Drug Testing Programs*, or any subsequent amendment thereto, the *Mandatory Guidelines for Federal Workplace Drug Testing Programs* will take precedence over the procedures specified in this program, but only to the extent of the inconsistency.

5. Recordkeeping Requirements

5.1. Confidentiality of Test Results

Laboratory results must be forwarded to the medical review officer. Any positive results that the medical review officer justifies by appropriate medical or scientific documentation (to account for the result as other than the intentional ingestion of an illegal drug) must be reported as a negative test result and may not be released for purposes of identifying illegal drug use. The medical review officer may maintain only those records necessary for compliance with this program, and such records will be the records of the FBI. Records maintained by the medical review officer may be released only to supervisors or management officials having a need to know information contained in such records and having the authority to take adverse personnel actions, as well as authorized officials with a need to know information contained in such records for purposes of auditing the activities of the medical review officer.

In order to comply with the Privacy Act and Section 503 (e) of Public Law 100-71, the results of a drug test of an FBI employee may not be disclosed without the prior, written consent of that employee, unless the disclosure would be on a need to know basis to:

- The medical review officer.
- The unit chief, Employee Assistance Unit, when the employee is receiving counseling or treatment or is otherwise participating in the EAP.
- A supervisory or management official within the FBI having the authority to recommend or approve adverse personnel action against that employee.
- A court of competent jurisdiction, pursuant to an order of court, and where required by the United States government to defend against a challenge to any adverse personnel action.

Test results, with all identifying information redacted, must be made available to the appropriate FBI personnel for data collection and auditing.

5.2. Confidentiality of Records

All drug testing information specifically relating to individuals is confidential and must be treated as such by anyone authorized to review or compile program records. All records and information of the personnel actions taken on employees with verified, positive test results must be maintained in accordance with previously established procedures regarding the maintenance of records of alleged employee misconduct.

5.3. Employee Assistance Program Records

EAP will maintain only those records necessary to comply with program requirements. All medical and/or rehabilitation records concerning an employee's drug abuse, including EAP records of the employee's identity, diagnosis, prognosis, or treatment are confidential and may be disclosed only as authorized by Title 42 Code of Federal

Regulations (CFR), Part 2 ("Confidentiality of Alcohol and Drug Abuse Patient Records"), including the provision of written consent by the employee.

With written consent, the employee may authorize the disclosure of his or her illegal drug use and information and records of treatment to the employer for the institution of personnel action and for verification of treatment or for a general evaluation of treatment progress.

5.4. Maintenance of Records

Records are maintained as required by subsequent administrative or judicial proceedings or at the discretion of the Director of the FBI, as authorized by law.

The recordkeeping system contains sufficient documents to meet the operational and statistical needs of legislation and regulations and includes:

- Numbers of verified, positive test results referred by the medical review officer.
- Written material justifying reasonable suspicion testing or evidence that an individual may have altered or tampered with a specimen.
- Anonymous statistical reports.
- Other documents the DDP administrator, medical review officer, or Employee Assistance Unit UC deems necessary for sufficient compliance with this program and federal laws and regulations.

5.5. Records Maintained by Government Contractors

Any contractor hired to satisfy any part of this program must comply with the confidentiality requirements of this program and with all applicable federal laws, rules, regulations, and guidelines.

5.6. Statistical Information

The DDP administrator must collect and compile anonymous statistical data for reporting the number of:

- Random, reasonable suspicion, follow-up, probationary, voluntary, and applicant tests.
- Verified, positive test results.
- Voluntary drug counseling referrals.
- Nonvoluntary drug counseling referrals.
- Terminations or denials of employment offers resulting from refusal to submit to testing.

5.7. Record Retention

- DDP records are maintained in accordance with the General Records Schedule (GRS) under the designated 67Q "Drug Deterrence" classification, item numbers 7, 9, 11, 13, 15, 16, 18, 20, and 22.
- Administrative file [redacted]: Administrative records are maintained until superseded and may be destroyed five years after cutoff. b7E

5.8. Viability of Drug Tests

To ensure the integrity of the DDP, all applicant drug tests are valid for one year from the date tested. An FBI professional staff employee applying for a special agent position must complete and pass a new drug test to be considered for this position.

6. Summary of Legal Authorities

6.1. Authorities

- Executive Order 12564
- Section 503 of the Supplemental Appropriations Act of 1987, Public Law 100-71, 101 Stat. 391, 468-471, codified at Title 5 United States Code (U.S.C.) Section (§) 7301 note (1987)
- *Mandatory Guidelines for Federal Workplace Drug Testing Programs*, which includes "Scientific and Technical Requirements and Certification of Laboratories Engaged in Urine Drug Testing," 53 Federal Register 11970 (1988)
- Sections 523 and 527 of the Public Health Service Act and implementing regulations at 42 CFR Part 2, "Confidentiality of Alcohol and Drug Abuse Patient Records"
- The Privacy Act of 1974 (5 U.S.C. § 552a), prescribing requirements governing federal agencies' collection, maintenance, and dissemination of records containing personally identifiable information
- 28 CFR Part 16, Subpart D - "Protection of Privacy and Access to Individual Records" under the Privacy Act of 1974, containing the rules the DOJ follows under the Privacy Act of 1974
- Federal Employees Substance Abuse Education and Treatment Act of 1986, Public Law 99-570
- DOJ Order 1200.1, Chapter 7-1, "Employee Assistance Program," and related authorities
- DOJ Order 1752.1A, "Discipline and Adverse Action"
- DOJ Drug-Free Workplace Plan (September 25, 1987)

6.2. Guidance

- Office of Personnel Management, *Federal Personnel Manual* (FPM) Letters 792-16 (November 28, 1986), 792-17 (March 9, 1987) and 792-19 (1990), setting forth guidelines for federal civilian agencies in establishing a drug-free workplace pursuant to Executive Order 12564.
- *Federal Personnel Manual*, Chapter 792-19, "Federal Health and Counseling Programs," providing guidance to federal agencies in establishing alcoholism and illegal drug use programs (Subchapter 5) and employee counseling services programs (Subchapter 6) for federal employees with alcohol or drug problems.
- *Federal Personnel Manual Supplement*, 792-2, providing guidance for developing and maintaining appropriate prevention, treatment, and rehabilitation programs and services for alcoholism and illegal drug use among federal employees.

Appendix A: Definitions

Adulterated specimen: a urine specimen that has been altered, as evidenced by test results showing either a substance that is not a normal constituent for urine or showing an abnormal concentration of an endogenous substance.

Aliquot: a fractional part of a specimen used for testing, representing the whole specimen.

Applicant: any individual tentatively selected for employment with the FBI.

Chain of custody: procedures to account for the integrity of each specimen or aliquot by tracking its handling and storage from the point of specimen collection to the final disposition of the specimen and its aliquots.

Collection site: a place designated by the agency where individuals present themselves for the purpose of providing a specimen of their urine to be analyzed for the presence of drugs.

Dilute specimen: a urine specimen with creatinine and specific gravity values that are lower than expected, but are still within the physiologically producible ranges of human urine.

Donor: the individual from whom a urine specimen is collected.

Drug Deterrence Program coordinator: the individual designated by the ADIC or SAC and approved by the drug program administrator upon successful completion of training. The DDP coordinator is responsible for implementing and operating the DDP within the field by ensuring adherence to established guidelines. Regulations established by the Office of Personnel Management prohibit individuals with EAP responsibilities from involvement in drug testing activities, including the collection of urine specimens for testing.

Drug program administrator: the individual responsible for the overall management and administration of the drug program within the FBI, under the general supervision and direction of the Director.

Drug program collector: the individual responsible for instructing and assisting donors at a collection site and who receives and makes initial examinations of the urine specimens provided by those donors. A drug program collector must be approved by the drug program administrator upon successful completion of training and prior to carrying out this function.

Employee Assistance Program: the FBI-based 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.

Employee Assistance Program coordinators and peers: EAP coordinators and peers are responsible for providing short-term assessment and referral services to all FBI employees, family members, and task force officers.

FBI employees: all persons appointed in the Civil Service, as described in 5 U.S.C. § 2105 (but excluding persons appointed in the armed services as defined in 5 U.S.C. § 2102(2), and persons defined as on-board interns, consultants, or detailees of other agencies).

Field office: the field office is defined as the field office proper, respective resident agencies (RA), and designated off-site locations.

Illegal drug: a controlled substance included in Schedules I through II, as defined by Section 802 (6) of Title 21 of the United States Code Controlled Substance Act (CSA), the possession of which is unlawful under Chapter 13 of that title. The term "illegal drug" does not mean the use of a controlled substance pursuant to a valid prescription or other uses authorized by law.

Management official: an employee required or authorized by the FBI to formulate, determine, or influence the policies of the FBI.

Medical review officer: a licensed physician who is responsible for receiving laboratory results generated by an agency's drug testing program; has knowledge of substance abuse disorders; and has the appropriate medical training to interpret and evaluate an individual's test results, together with his or her 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. The employees to be tested are selected from a statistically random sampling process.

Regional program manager: individuals responsible for supervising FBI Employee Assistance Programs throughout their respective regions. The regional program manager provides guidance and assistance to EAP coordinators and peers; offers education and training on EAP services to management and employees; and assists supervisors with performance and/or personnel problems that may be related to substance abuse.

Specimen: the portion of urine that is collected from a donor.

Split specimen collection: a collection in which the urine is collected in one void and then divided into two separate specimen bottles, the primary specimen (bottle "A") and the split specimen (bottle "B").

Substituted specimen: a urine specimen that has been submitted in place of the donor's urine, as evidenced by creatinine and specific gravity values that are outside the physiologically producible ranges of human urine.

Supervisor: an employee having the authority to direct or assign employees, if the exercise of that authority is not merely routine or clerical in nature, but requires the consistent exercise of independent judgment.

Unit chief, Employee Assistance Unit: the individual responsible for ensuring the development, implementation, and review of the EAP.

Universal precautions: an approach to infection control. According to the concept of universal precautions, all human blood and certain human body fluids are treated as if known to be infectious for HIV (human immunodeficiency virus), HBV (hepatitis B virus), and other bloodborne pathogens.

Validity testing: tests used to determine if a specimen is adulterated, diluted, or substituted.

Verified, positive test result: a test result that has been screened positive by a Food and Drug Administration-approved immunoassay test, confirmed by a gas chromatography/mass spectrometry assay (or other confirmatory tests approved by Health and Human Services), and evaluated and determined by the medical review officer not to be justified usage of a legitimate drug.

Appendix B: Sources of Additional Information

Please view the Human Resources Division, Office of Medical Services, Health Care Programs Unit, DDP Intranet site for additional information.

Appendix C: Instructions for Drug Testing

INSTRUCTIONS FOR DRUG TESTING

The following drug collection checklist was designed to ensure that the collector completes all necessary steps for collection. If, at any time, a donor refuses to participate with any of the steps outlined below or cannot provide a urine specimen on the day notified, the collector must document the event and contact the DDP at FBIHQ immediately for further guidance.

NOTE: Use a ballpoint pen, press hard, and check all copies for legibility on the custody and control form.

STEP 1. Contact the donor (see Section 3.4., "Scope of Testing").

- Agree on a time and location for collection.
- Advise the donor of the 15-minute reporting rule. (The donor must report on the day notified.)

STEP 2. Secure the restroom by restricting access to the restroom.

STEP 3. Prepare the restroom by using a bluing agent or bluing tablets in the toilet.

STEP 4. Verify the donor's picture identification.

STEP 5. Instruct the donor to remove any outer garments, such as a coat.

STEP 6. Instruct the donor to empty his or her pockets. The donor must display the contents of his or her pockets to ensure that no items are present which could be used to adulterate or substitute the specimen.

STEP 7. Instruct the donor to wash his or her hands in the collector's view.

STEP 8. Tape off water sources with evidence tape.

STEP 9. Provide the donor with an FD-744, "Federal Bureau of Investigation Drug Deterrence Program Acknowledgment" form, and have the donor read it and sign it.

STEP 10. Notify the donor of the Privacy Act.

- Notify the donor of the Privacy Act, which can be found on the back of "Copy 5 - Donor Copy" of the "Federal Drug Testing Custody and Control Form."
- Stress to the donor that the use of an employee identification number is optional.

STEP 11. Complete the custody and control form on "Copy 1 – Test Facility Copy."

STEP 12. Part C - "Donor SSN or Employee I.D. No."

- The collector shall attempt to obtain the donor's employee identification number, which is the last seven digits of the donor's case file number.
- On the rare occasion when a donor's identification number is not available or if the donor indicates that he or she does not wish to provide an employee identification number to the testing laboratory, the collector must document the

reason why the employee number was not provided in the "REMARKS" section of the custody and control form.

STEP 13. Part D - Specify Testing Authority

- Specify "HHS" for testing under the Drug-Free Workplace Program or specify "DOT" [Department of Transportation] and "FMCSA" [Federal Motor Carrier Safety Administration] as "DOT Agency" for testing under the Alcohol and Controlled Substance Abuse Program.

STEP 14. Part E - Reason for Test

- Check test type.
- For probationary, check "Other" and write "probationary" on the line provided.
- For preemployment, indicate the appropriate applicant test type:
  - AA (agent applicant).
  - AS (professional staff applicant).
  - NP (interns in a "nonpay" status also write "VIP" or "Nonpaid" on the line beside "Other" (specify).

STEP 15. Part F - Drug Tests to be Performed

- Check the box for "THC," "COC," "PCP," "OPI," or "AMP," unless advised by the drug program administrator in advance to test for other drugs.

STEP 16. Part G - Collection Site Address

- The collector's phone number
- The collector's fax number
- The collector number

Note: If the collection site address is not preprinted on the form, it must be filled in using the specific collection site information.

STEP 17. Explain Process

- The collector must provide the donor with a specimen kit.
- The collector must explain to the donor that he or she needs to provide one urine sample of 45 milliliters in one void for a split specimen, and the donor divides it into two separate bottles:
  - Specimen bottle "A" must contain no less than 30 milliliters of urine.
  - Specimen bottle "B" must contain no less than 15 milliliters of urine.

  Note: If the donor cannot provide an adequate urine specimen, the collector may provide him or her with no more than 40 ounces of water within three hours. The DDP at FBIHQ should be contacted if there are any questions.

STEP 18. Completed by Collector

- Read the urine temperature in four minutes.
- Check "split" on the form.
- If no specimen is provided, contact the DDP at FBIHQ immediately.
- Check "Observed" only if the DDP at FBIHQ previously instructed the collector to conduct a direct observation test.

STEP 19. Complete Seal Information

- Place specimen bottle seal "A" over primary bottle containing 30 milliliters of urine.
- Place specimen bottle seal "B" over split specimen bottle containing 15 milliliters of urine.
- Record the date and have the donor initial both specimen bottle seals.

STEP 20. Chain of Custody Section (Step 4)

- The collector signs and prints his or her name.
- The collector records the date and time of collection.
- The collector completes the information under "Specimen Bottle(s) Released To: (Name of Courier Service Transferring Specimen to testing facility [e.g., Federal Express])."

STEP 21. Completed by Donor - Copy 2 (Step 5) - Medical Review Officer Copy

- Have the donor complete Step 5 of the custody and control form.
- Instruct the donor to read the certification statement and the statement found below the phone numbers and date of birth (DOB) in Step 5 of the custody and control form.
- Have the donor sign and print his or her name and date the certification statement.
- Have the donor provide his or her daytime and evening phone numbers and date of birth.

NOTE: If the donor refuses to complete STEP 5, it must be noted in the "REMARKS" section in STEP 2, and the DDP at FBIHQ must be contacted.

STEP 22. Completed by the Collector Prior to Donor Dismissal

- Review the custody and control form for completeness and accuracy.
- Place both of the specimen bottles in the small pouch (front) of the specimen bag.
- Place Copy 1 of the custody and control form in the large pouch (back) of the bag.
- Remove the release liner from the flap.

- Fold the adhesive flap to cover the black crosshatch opening.
- Place the specimen bag in the shipping box and close.

NOTE: No kit seal has been provided; therefore, do not seal the kit.

- Give the donor "Copy 5 - Donor Copy" of the custody and control form.
- Donor may leave the collection site at this point.

STEP 23. Complete the "Alere" – FBI Specimen Collection Log

- Each lab pack must contain a completed "Alere" – FBI Specimen Collection Log. The collector must complete the form by providing:
  - The current date.
  - The collection site number (five-digit collector number preprinted in Step 1, Section G on the custody and control form [e.g., 56000]).
  - The two-character location code assigned to the division (e.g., AL, 01,17).
  - The Federal Express 12-digit tracking number found on the bottom of both sides of the Federal Express shipping label/billable stamp.
  - The specimen identification number(s) for each sample contained in the lab pack. Only four sample boxes can fit in a lab pack; therefore, no more than four numbers should be provided per log. A sample for each number documented must be included in the lab pack. Leave the columns for "KLS Verified" and "Comments" blank.
  - The total number of samples included in the lab pack.
  - The name of the employee counting samples.
  - The name of the employee packaging the samples and the date packaged.

STEP 24. Complete the Shipping Process

Collectors will:

- Complete the "From" area on both sides of the Federal Express shipping label/billable stamp with the agency name and office, the collector's mailing address and the collector's phone number.
- Document all relevant information on the collector's receipt (lavender-tinted side of the label). Include, if provided, the confirmation number for the pickup, the total number of tests in the package, and the shipment date. It is not necessary to provide a "Release Signature."
- Peel off the right side of the label and place it on the front at the top of the lab pack where indicated. Do not mark the box on the back of the Federal Express bag to indicate "Biological Substance Category B..."

- Call Federal Express or take the package to the point of contact (POC) for outgoing Bureau Federal Express mail and arrange for pickup.
- Ensure that the courier picks up specimen.
- Refrigerate the specimen if the courier does not pick it up, and make the appropriate arrangements for pickup the next business day.
- Attach the Alere - FBI Specimen Collection Log, the lavender receipt from the Federal Express shipping label/billable stamp, and the custody and control forms for each sample in the lab to one another and file them in the division's DDP control file. These documents will be made available, upon request, by the drug program administrator, if necessary.
- Send the original, signed copy of the FD-744 and Copy 2 and Copy 4 of the custody and control form directly to the DDP at FBIHQ, Room 1B390, in a sealed envelope.

Note: Forms contain confidential information. Do not send forms in messenger envelopes.

Appendix D: Forms

- FD-744, "Drug Deterrence Program Acknowledgement"
- FD-837, "Drug Deterrence Program Refusal"
- FD-1100, "Adult Consent for Release of Confidential Information"
- FD-1101, "Minor Consent for Release of Confidential Information"

Appendix E: Decontamination Procedures

Decontamination Procedures

1. Wear latex gloves.
2. Obtain a plastic bag for the disposal of contaminated materials utilized in the clean-up procedure.
3. Absorb the spill, if necessary.
4. Decontaminate the work surface and equipment with a 1:10 bleach solution.
5. Wash the work surface with water after decontamination.
6. Place materials in a separate plastic bag, which is tied, and properly dispose of the bag in a bathroom waste can.

Appendix F: Drugs to Be Screened

Drugs	Category	Initial Screen	Confirmation Method	Gas Chromatography Mass Spectrometry Limit (GC/MS)	Detection Period
Amphetamine Amphetamines Methamphetamines	Stimulant	IA	GC/MS		Medium Medium
MDMA MDA MDEA	Stimulant	IA	GC/MS		Medium
Cocaine Benzoylecgonine	Stimulant	IA	GC/MS		Short
Cannabinoids (THCA)	Euphoric	IA	GC/MS		Varied/long
Opiates** Cocaine Morphine (for heroin) 6-Acetylmorphine	Analgesic	IA	GC/MS		Medium Medium Medium
Phencyclidine (PCP, Angel Dust)	Analgesic/ Hallucinogen	IA	GC/MS		Varied

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ng/mL – nanogram per milliliter.

* The detection limit given for a class of drugs (e.g., 250mg/mL for amphetamine) pertains to the specific drug contained in the system calibrator.

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*** Detection period definition:

Appendix G: Contact Information

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Human Resources Division	[redacted]	
Assistant Director		
Deputy Assistant Director		
Chief Medical Officer		
Health Care Programs Unit		
Drug Deterrence Program Administrator Phone Number Fax Number		
Drug Deterrence Program's Address	FBI Headquarters, Room 1B390 J. Edgar Hoover Building 935 Pennsylvania Avenue, NW Washington, DC 20535	
Employee Assistance Unit	[redacted]	

Appendix H: Acronyms

AA	Agent Application
ACSAP	Alcohol and Controlled Substance Abuse Program
AD	Assistant Director
ADIC	Assistant Director In Charge
AS	Professional Staff Applicant
AU	Adjudication Unit
CFR	Code of Federal Regulations
COC	Chain of Custody
CSA	Controlled Substance Act
DDC	Drug Deterrence Coordinator
DDP	Drug Deterrence Program
DDPHQ	Drug Deterrence Program at Federal Bureau of Investigation Headquarters (J. Edgar Hoover Building)
DFW	Drug-Free Workplace
DFWP	Drug-Free Workplace Program
dL	Deciliters
DOB	Date of Birth
DOJ	Department of Justice
DPA	Drug Program Administrator
DPC	Drug Program Collector
EAC	Employee Assistance Coordinator
EAP	Employee Assistance Program
EAU	Employee Assistance Unit

EC	Electronic Communication
EO	Executive Order
FBI	Federal Bureau of Investigation
FBIHQ	Federal Bureau of Investigation Headquarters
FDA	Food and Drug Administration
FMCSA	Federal Motor Carrier Safety Administration
FPM	Federal Personnel Management
GC/MS	Gas Chromatography/Mass Spectrometry
GRS	General Records Schedule
HBV	Hepatitis B Virus
HCPU	Health Care Programs Unit
HHS	Department of Health and Human Services
HIV	Human Immunodeficiency Virus
HRD	Human Resources Division
HRO	Human Resources Officer
ID	Identification
INSD	Inspection Division
IA	Immunoassay
IIS	Internal Investigations Section
INSD	Inspection Division
IPU	Initial Processing Unit
JEH	J. Edgar Hoover Building
MAOP	*Manual of Administrative Operation and Procedures*

Mg	Milligram
mL	Milliliter
MRO	Medical Review Officer
NP	Nonpaid
OGC	Office of the General Counsel
OMS	Office of Medical Services
OPM	Office of Personnel Management
OPR	Office of Professional Responsibility
PCP	Phencyclidine
PG	Policy Guide
POC	Point of Contact
RA	Resident Agency
RPM	Regional Program Manager
SA	Special Agent
SAC	Special Agent in Charge
TFO	Task Force Officer
THC	Tetrahydrocannabinol
UC	Unit Chief
U.S.C.	United States Code