Federal Aviation Administration

Memorandum

Date:

To:

From: Karen L. Leamon, Manager – Internal Substance Abuse Program, AAM-210 Karen L Leamon

Subject: ACTION: Notice to Applicants or Employees Subject to Drug and/or Alcohol Testing

The purpose of this memorandum is to notify you that the Line of Business (LOB) in the Federal Aviation Administration (FAA) has determined that the position you have been tentatively selected for is a safety- or security-sensitive position. Consequently, you are required to submit to a pre-employment or pre-appointment drug test before you can be appointed or assigned to the position and are subject to random, post-accident, reasonable suspicion and follow-up testing. This notice will also explain the drug and alcohol testing requirement of the U.S. Department of Transportation (DOT) and the FAA; and the consequences of a non-negative test result.

Please note that although some states have legalized medical marijuana and recreational marijuana, marijuana use or possession remains a prohibited activity and is unlawful under Federal law and a violation of DOT Order 3910.1D, Drug and Alcohol-Free Departmental Workplace.

Pre-employment/Pre-appointment Testing

The policy of the DOT/FAA is to test all applicants and employees for illegal drug use prior to employment or appointment into a safety- or security-sensitive position. The job functions associated with positions that have a direct impact on public health and safety, the protection of life and property, law enforcement, or national security are classified as testing designated positions (TDP's). This policy applies to all persons who are tentatively selected for a TDP.

Drug testing is performed through urinalysis by an independent contract laboratory certified by the U.S. Department of Health and Human Services (DHHS) using split specimen collection procedures. The testing methodology reflects the scientific and technical procedures necessary to ensure that results are highly reliable and accurate. The DHHS laboratory certification provides for strict quality control procedures. These procedures include an initial screening for drugs and, if necessary a conformation by gas chromatography/mass spectrometry. During drug testing each donor fills out and signs a chain of custody form to ensure proper identification and tracking of each specimen.

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A Medical Review Officer (MRO) reviews laboratory confirmed positive test results and makes a determination on the drug test result. All test results are handled with respect for individual confidentiality, consistently with safety and security. Under pre-employment testing, an applicant who has a MRO verified positive drug test, fails to appear for a scheduled test, fails to cooperate with the collection testing procedures at the collection site, refuses to provide a urine specimen, or tampers/adulterates/substitutes his or her specimen is denied employment with the agency.

Under pre-appointment testing, appropriate administrative action is taken on a current non-TDP employee who has an MRO verified positive drug test, fails to appear for a scheduled test, fails to cooperate with the collection testing procedures at the collection site, refuses to provide a urine specimen, or tampers/adulterates/substitutes his or her specimen. The employee may be offered an opportunity to voluntarily enter into a rehabilitation program, except where the employee is found to use the substance on duty, has refused to provide a specimen, adulterates or substitutes a specimen. In those cases the employee is removed from Federal service.

Employment Testing

Once you enter into a testing designated safety- or security-sensitive position (TDP), you are subject to random testing. Safety positions are also subject to alcohol testing. Random testing is unannounced and can occur on any work shift. Random drug testing and consequences are performed in the identical manner as previously described.

Alcohol testing is performed using an evidential breath-testing device approved by the National Highway Traffic Safety Administration and listed on its Conforming Products List of Evidential Breath Measurement Devices. A DOT contract breath alcohol technician will conduct alcohol testing. There are two tests administered to determine a prohibited alcohol concentration. The screening test is conducted first. If the screening test is above the allowed limit a confirmation test is conducted after 15 minutes from the screening test. The results of the confirmation test determine the action to be taken.

If rehabilitation is offered to employees with a verified positive drug or confirmed alcohol test result, upon successful completion of the approved rehabilitation plan, the employee must take a return-to-duty test. Employees with a negative return-to-duty test result may return to his/her safety- or security duties, if otherwise qualified. After return to safety-security duties the employee enters the agency's drug and/or alcohol follow-up testing program for a minimum of one year of unannounced testing. Refusal to enter, failure to comply, or unsuccessful completion of the rehabilitation plan may result in removal from Federal service. Employees with a second MRO verified positive drug or confirmed alcohol test result will no longer be eligible for rehabilitation and are subject to removable from Federal service.

All employees who occupy safety-sensitive positions are subject to pre-duty abstinence periods. They are required to refrain from using alcohol 8 hours prior to reporting to their safety-sensitive position. This includes paid and non-paid breaks during the workday.

Employees in TDPs are also subject to post-accident drug and alcohol testing when management determines that the employees' performance, at or about the time of the accident, was a

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contributing factor or cannot be completely discounted as a contributing factor to the accident or incident. The employee must remain readily available for such testing and must refrain from using alcohol until notified that testing will not be conducted or until 8 hours after the accident or incident.

The agency acknowledges that the substance abuse testing program is a sensitive issue. We want to assure you that the program is designed with the concern for maintaining the privacy and dignity of each individual. Achieving a drug and alcohol free workplace is a goal we owe ourselves, our families, and the traveling public.

Your signature below acknowledges receipt of this notice.

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Print

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Signature Date

Note: If you refuse to acknowledge this notice, the appropriate personnel official should certify that the notice was provided to you by signing below.

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Signature of Personnel Official Date

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