



DEPARTMENT OF THE NAVY
NAVAL FACILITIES ENGINEERING COMMAND SOUTHEAST
JACKSONVILLE, FL 32212-0030

NAVFACSEINST 12792.1
Code BM31
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NAVFAC SOUTHEAST INSTRUCTION 12792.1

From: Commanding Officer, Naval Facilities Engineering
Command Southeast

Subj: DRUG-FREE WORKPLACE PROGRAM

Ref: (a) Department of the Navy (DON) Civilian Human
Resources Manual (CHRM), Subchapter 792.3
(b) Department of the Navy (DON) Drug Free Workplace
Program Handbook

1. Purpose. This instruction implements DON policy, assigns responsibilities, and sets procedures for the command Drug-Free Workplace Program (DFWP) in accordance with references (a) and (b) and applicable collective bargaining agreement (CBA). This instruction is applicable to all civilian personnel assigned to Naval Facilities Engineering Command Southeast (NAVFAC Southeast).

2. Cancellation. This instruction cancels PWCJAX/EFASEINST 5355.1C and SOUTHNAVFACENGCININST 5355.2A and supersedes any other instruction that conflicts with this instruction and higher authority instruction.

3. Policy. NAVFAC Southeast will comply fully with DON policy to eliminate the illegal use of drugs by civilian employees to achieve a drug-free workplace and will use drug testing to deter illegal drug use through a carefully controlled and monitored program. Appropriate administrative action will be taken in each case of illegal drug use.

4. Organization. The Business Management Department (BM31) has been designated as the Drug-Free Workplace Program Coordinator (DPC). The DPC will perform the DFWP management and oversight responsibilities as outlined in reference (a) and in accordance with reference (b).

5. Required Actions

a. Random Drug Testing. Individuals occupying positions whose title and series match those identified in reference (a),

and whose duties correspond with the job functions and justification criteria established for Testing Designated Positions (TDPs), will be subject to random testing consistent with references (a) and (b). Tools to assist the supervisor in procedures for random drug testing are located on the fec_common shared drive; "Supervisors and Managers" folder; "DFWP" folder; "Supervisor Checklist" and "Employee Checklist."

(1) Business Management Department, Personnel Resources and Programs, Human Resources and Manpower (BM31) will notify the DPC when:

(a) TDPs are established or abolished.

(b) Significant changes are made to the duties of any TDP.

(c) A personnel action results in a change of the incumbent of a TDP.

(d) The organizational location of any TDP is changed.

(2) The Security Manager will notify the DPC when:

(a) An employee is granted a Top Secret clearance.

(b) There is a change in the status of an incumbent with a Top Secret clearance.

(3) The DPC will provide notice of negative drug test results to the employee.

b. Voluntary Testing. To demonstrate a commitment to the Navy's goal of a drug-free workplace, and to set an example for others, an employee not in a TDP may volunteer to be included in the pool of TDPs and will be subject to the same conditions and procedures for random testing. The employee may withdraw from the random program at any time, even after being notified of an impending random drug test. To volunteer, the employee must submit a written request to the DPC. The DON approved application will be provided upon request. The DPC will provide the requesting employee an acknowledgement of the voluntary

application. The requesting employee will be required to acknowledge receipt of the notice by returning the original signed receipt to the DPC within 1 business day.

c. Reasonable Suspicion Testing. First level supervisors and above are authorized to request reasonable suspicion testing consistent with references (a) and (b). Such requests must be approved by Public Works Officer (PWO)/Department Head (DH) or designee, but no lower than one level above the supervisor or manager requesting the test. The decision to conduct a test will normally be made the same day the event or behavior occurred and the DPC will be contacted immediately to schedule testing on the same day if possible but not later than 24 hours after the event which caused the decision. Although reasonable suspicion testing does not require certainty, mere "hunches" or "rumors" are not sufficient to meet this standard. Tools to assist supervisors and managers for documentation in support of a drug related incident and the memo to the suspected employee are located on the fec_common shared drive under "Supervisors and Managers"; "DFWP" folder.

d. Post Accident Testing. The DON policy on post accident drug testing states that all Command employees may be subject to drug testing when based upon the circumstances of an on-the-job accident, or unsafe on-duty job-related activity, their actions are reasonably suspected of having caused or contributed to an accident or unsafe practice that meets either of the following criteria:

(1) The accident or unsafe practice results in a death or personal injury requiring hospitalization.

(2) The accident or unsafe practice results in damage to government or private property estimated to be in excess of \$10,000.

If a supervisor or manager suspects that an employee has caused or contributed to an on-the-job accident or unsafe, on-duty, job-related activity that meets either of the criteria stated above, he or she will gather all information, facts, and circumstances leading to and supporting the requirement. While first level supervisors and above are authorized to request post accident testing, such requests must be approved by the PWO/DH

or their designee, but no lower than one level above the supervisor or manager requesting the test. If practicable, the decision to conduct a test will be made the same day the event or behavior occurs. Once approval has been obtained for testing, the supervisor requesting the test will notify the DPC who will schedule the drug test. The supervisor will then prepare written documentation which, at a minimum, will include the appropriate dates and times, circumstances surrounding the incident, the reasons leading to the test and the approving authority's concurrence. This information will be provided to the DPC who will maintain this data on file, along with the findings of the test, and documentation of any action taken. Tools for preparing the documentation are located on the fec_common shared drive; "Supervisors and Managers" folder, "DFWP" folder.

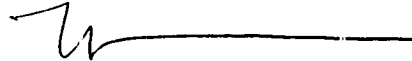
e. Applicant Testing. Individuals tentatively selected for positions identified as TDPs who test positive for illegal drugs will be barred from placement consideration of any kind for positions at any activity serviced by the Human Resources Office (HRO) for a period of six months from the date of the positive drug test. Records of positive results will be maintained by the DPC and/or a designated office. Human Resources Service Center Southeast (HRSC SE) HR Specialist will contact the DPC to schedule drug testing and must obtain a clearance from the DPC prior to making a final offer of employment.

f. Safe Harbor. Civilian employees who voluntarily identify themselves to a supervisor as a user of illegal drugs prior to being identified through any other means, obtain counseling and rehabilitation and refrain from using illegal drugs, will not be disciplined consistent with the Safe Harbor provisions of references (a), (b) and (c) for the admitted acts of illegal use of drugs, including possession incident to such personal use. Safe Harbor provisions are for illegal users of drugs, not drug dealers or those involved in other drug related criminal misconduct. The provision of Safe Harbor does not relieve individuals from the possible consequences drug use would have on their ability to retain or obtain a security clearance or be assigned sensitive duties.

g. The DPC is authorized to approve up to one hour of overtime pay to complete collection procedures for employees who

experience problems in providing a sample. Up to four hours of overtime pay may be approved to complete collection procedures in the case of a reasonable suspicion test or post accident test.

6. Disciplinary Actions. The use of illegal drugs will not be tolerated. A full range of disciplinary actions can be taken, up to and including dismissal. Supervisor and/or manager will contact the CNRSE, FDD Jacksonville HR Specialist for guidance. CNRSE, HR Specialist will retain all files in the event of an adverse action and will provide the data to the DPC for inclusion into the annual report.



M. W. JACKSON
By direction

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