



DEPARTMENT OF THE ARMY  
HEADQUARTERS, U.S. ARMY MATERIEL COMMAND  
5001 EISENHOWER AVENUE, ALEXANDRIA, VA 22333 - 0001

REPLY TO  
ATTENTION OF

AMCPE-C (600-85A)

17 Jun 99

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Drug Testing Guidance

1. Change 3 to Army Regulation 600-85, Alcohol and Drug Abuse Prevention and Control Program (ADAPCP), effective 26 Apr 99, has been issued through the HQ AMC, Employee Assistance Office to counterparts at local installations. These changes, however, also impact the personnel administrative procedures for processing disciplinary/adverse and performance-based actions which are based on drug and/or alcohol-related offenses. Therefore, as a matter of continuity across organizational and functional lines, this information is provided to human resource personnel, particularly those who have program responsibility for labor and employee relations, as well as classifiers and staffing specialists.

2. There are two significant changes which will impact civilian personnel administrative procedures:

a. The first expands the categories of positions which will be designated for testing, as specified in paragraph 5-5b (1-12) of the amended regulation. The expanded categories will, in turn, affect an increased number of job descriptions and vacancy announcements, etc. Paragraph 5-5b also provides information regarding the impact of Change 3 on the civilian personnel administrative procedures used to effect disciplinary/adverse, and performance-based actions which stem from alcohol and/or drug related offenses. The paragraph explains that disciplinary or adverse action may be initiated by supervisors based on direct observation of illegal drug usage, criminal conviction, confirmed positive testing, an employee's own admission and/or other applicable evidence. In order to adhere to the intent of this change, supervisors and managers must take appropriate and decisive action in such cases. This should be accomplished with the expert assistance from the Labor/Employee Relations Specialists and legal counselors.

b. The second significant change rescinds the regulatory requirement to "hold in abeyance for a specified timeframe" a disciplinary, adverse or performance-based action against an employee who has committed a drug or alcohol related offense

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when that employee enrolls in the ADAPCP. Although the regulatory requirement has been rescinded, the application of "holding in abeyance" is now negotiable. However, if proposed by a union, management is not under any obligation to agree if an agreement would be too burdensome. If such a case occurs, attempt to negotiate alternative language or, if necessary, take the matter to impasse.

3. Although the effective date of Change 3 is 26 Apr, 99, activities are reminded that all labor relations obligations must be completed before implementation can begin for bargaining unit employees. As a result, unions must be notified of the changes prior to notifying the work force and they must have a reasonable time to review the changes. In addition, management may honor a union's request to bargain on the impact and implementation of these changes, but not for identifying positions to be designated for testing. That responsibility is a reserved management right and is prohibited from negotiations.

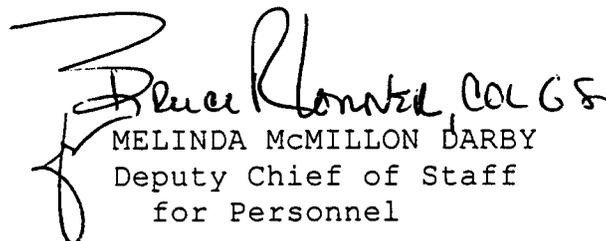
4. Further guidance concerning this issue has been prepared by Headquarters, Department of the Army and is enclosed for your information and use. For your convenience, Change 3 is also enclosed.

5. The point of contact for this action is Teresa Greene, telephone, (703) 323-8171.

6. AMC -- Your Readiness Command . . . Serving Soldiers Proudly!

FOR THE COMMANDER:

Encls

  
MELINDA McMILLON DARBY  
Deputy Chief of Staff  
for Personnel

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cc: "Prepscious, Stan, Mr., DAPE" <PREPSS@hqda.army.mil> (bcc: TERESA GREENE/PE/HQAMC/AMC/US)

Subject: Drug Testing Guidance

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Change 3 to AR 600-85 (Alcohol and Drug Abuse Prevention and Control Program) has been issued. A copy of the change is (or soon will be) available at ([http://books.army.mil/cgi-bin/bookmgr/BOOKS/R600\\_85/CHANGES](http://books.army.mil/cgi-bin/bookmgr/BOOKS/R600_85/CHANGES)). Your ADAPCP person should have, or should be getting, a copy of the change and some implementing guidance. The change revises the provisions of the regulation pertaining to the relationship between the ADAPCP program and disciplinary and adverse actions and expands the categories of testing designated positions. While the regulation effective date is 26 April 1999, parties must first complete their labor relations obligations prior to implementing the change for unit employees (and non-supervisory, non-unit positions where the change will vitally affect the conditions of employment of bargaining unit members.) Attached is basic guidance on your labor relations obligation as it relates to Change 3 to AR 600-85. Questions concerning your labor relations obligation can be raised to this office at

ENCLOSURE 1

DSN 225-4011 or (703) 695-4011.

David

<<drugs>>

 - drugs.doc

Change to Alcohol and Drug Abuse Prevention and Control Program (ADAPCP) is a Change to Conditions of Employment

Change 3 to AR 600-85 (Alcohol and Drug Abuse Prevention and Control Program) was approved by the Secretary of the Army with an effective date of 26 April 1999. Implementation of this change will affect certain bargaining unit members' conditions of employment and, thus, necessitate union notification.

Union Notification is Required

Activities are reminded of their statutory and possible contractual labor relations obligations that must be fulfilled prior to implementation of the change to AR 600-85. This guidance provides basic information for completing your statutory labor relations obligations. Please review your collective bargaining agreement to determine if there are any additional locally negotiated obligations associated with implementing changes to bargaining unit members' conditions of employment.

A copy of the change to the AR, and any locally developed implementing instructions, should be provided to your union whose bargaining unit employees are affected by the change. The union, upon receipt of the change, should be given a reasonable opportunity to review the change and request bargaining. (Your collective bargaining agreement may specify the procedures to follow in notifying your union of changes to conditions of employment and the length of the notification period.)

If the union does not timely request bargaining, you are free to implement the change for the bargaining unit employees. (*You are not obligated to bargain with the union over the implementation of these changes as they relate to supervisory or management positions or the initial employment testing of non-bargaining unit member applicants.*)

If your union timely requests negotiations over the proposed change to AR 600-85, you must not implement the change for bargaining unit positions (or non-supervisory, non-unit positions where the change would vitally affect the conditions of employment of the unit members) until negotiations have been completed. This includes a decision

by the Federal Service Impasses Panel (the Panel) if the services of the Panel are timely invoked by either party.

*Installations with established partnership councils may want to have their councils address the implementation of Change 3 to AR 600-85 as an alternative to position-based mid-term bargaining.*

### Two Significant Changes to the Regulation

Change 3 to the AR imposes two significant changes. The first is the expanded pool of testing designated positions (TDPs). The second is the termination of the regulatory requirement to normally hold drug and alcohol related disciplinary/performance based actions in abeyance if an employee enrolls in the Alcohol and Drug Abuse Prevention and Control Program (ADAPCP).

### Scope of Bargaining Over These Two Changes

#### Identifying the TDPs is a Reserved Management Right Subject to Only Impact and Implementation Bargaining

The first change to the regulation, the designation of TDPs, falls within management's reserved right to determine internal security measures. (5 USC § 7106(a)(1).) See, for example, U.S. Department of Justice, Justice Management Division, 42 FLRA No. 33 (1991) (Proposal 12) where the Authority found a proposal limiting the positions which management can identify as TDPs was nonnegotiable.

While management is prohibited from bargaining over the designation of the TDPs, it must, if requested by the union, bargain over the impact and implementation (I&I) of these determinations. While it is impossible to address every I&I proposal a union could submit, a general rule would be, if the proposal directly affects which positions management selects to be randomly tested, the proposal would likely be nonnegotiable. (For example, a proposal to exclude all bargaining unit members from the drug testing program was found nonnegotiable in Sierra Army Depot, 42 FLRA No. 35 (1991).)

Proposals addressing the impact and implementation of management's identification of TDPs would generally be negotiable. Examples of I&I proposals include requiring specific procedures for notifying employees that they have

been designated for testing designated positions; training employees and the union on testing procedures; explaining why employees were identified as TDPs; and requiring that employees be advised of their right to union representation during the testing procedures.

Stays of Disciplinary/Performance Based Actions are Generally Negotiable

Unlike the first change, the elimination of the regulatory requirement to hold disciplinary/performance-based actions in abeyance pending completion of the ADAPCP program is substantively negotiable. In Library of Congress, 11 FLRA 632 (1983) (Proposal 5), the Authority found negotiable a proposal giving employees who accept assistance in an alcoholism and drug abuse program a "reasonable opportunity to improve their performance before being subject to adverse action." The Authority found the proposal simply "delay[ed] the imposition of discipline for those employees whose performance does not improve after having accepted assistance under the program." (This falls within the Authority's "acting at all" test. That is, a proposal could be negotiable if it doesn't prevent management from acting at all.)

While the regulation no longer provides for a stay of discipline for enrollment in the ADAPCP program, the union could propose this requirement. If the union does submit a similar proposal, two things should be kept in mind. First, even though the Authority found the above proposal negotiable, you are under no obligation to agree to the union proposed language. If you believe a stay would be too burdensome, attempt to negotiate alternate language and, if necessary, take the matter to impasse.

Second, the union proposal in Library of Congress, sought only a "reasonable" amount of time for delaying the discipline. A permanent delay would be nonnegotiable. See, for example, U.S. Information Agency, 16 FLRA No. 48 (1984) (Provision 2). There, the Authority found nonnegotiable a proposal preventing the agency from taking disciplinary action against an employee so long as that employee was enrolled in a drug or alcoholism program and making "progress toward the renewal of acceptable work performance." The Authority found the employee could "completely avoid disciplinary action ... by remaining a

participant in the program and making progress, however slight, towards acceptable performance...." (At 311.) So, while reasonable stays of disciplinary actions while employees are in ADAPCP are negotiable, proposals which could prevent management from ever taking a disciplinary action would be nonnegotiable.

*Even if a stay is not negotiated in your agreement, an employee's efforts to rehabilitate through successful participation in the activity's ADAPCP program could be viewed as a mitigating factor in determining the appropriate disciplinary penalty.*

If you are unsure of the negotiability of proposals, feel free to discuss the matter with your MACOM, this office or Field Advisory Services. It is not expected that installations with established random drug testing programs will receive numerous proposals stemming from Change 3 to AR 600-85. Where these additional TDPs establish a new testing program at your installation, you can expect significant proposals from your union.

#### A Sample of Drug Testing Proposals

The Authority has issued a number of negotiability determinations involving drug testing proposals. A brief sample of these proposals include:

- Prohibiting Random Drug Testing - Nonnegotiable (NN) (Rock Island Arsenal, 30 FLRA No. 115)
- Pay employees \$25 if subject to drug testing - NN (Patent and Trademark Office, 45 FLRA No. 24)
- Employees will be randomly tested only once a year or more frequently if the names of TDPs are exhausted - NN (Naval Underwater Systems Center, 42 FLRA No. 49.)
- Prohibiting the use of drug test which can not show impairment of work performance - NN (Department of Justice, 42 FLRA No. 33.)
- Requiring the agency to negotiate over its Employee Assistance Program prior to beginning its drug testing program - negotiable (N) (Department of Education, 38 FLRA No. 89.)
- Limiting the drugs to be tested for - NN (Department of Energy, 38 FLRA No. 12)

- Preventing the agency from requiring employees to sign any documents in which they agree or disagree to be tested - NN (Sierra Army Depot, 42 FLRA No. 35.)
- Requiring the agency to provide each unit member with a copy of any drug testing training manual prepared for supervisors - N (Patent and Trademark Office, 45 FLRA No. 24.)
- Tests and equipment used will be the most reliable available - NN (Rock Island, 30 FLRA No. 115.)
- Requiring employees be advised of the exact drug or class of drugs being tested for - N (Department of Justice, 31 FLRA No. 15.)
- Allowing an employee who is unable to provide a specimen on the test day to return on the next day - NN (National Park Service, 43 FLRA No. 69.)
- Provide the employee 1 hour notice of a random drug test - NN (Department of the Navy, 49 FLRA No. 26.)
- Agency to pay grievant's drug rehab costs - NN (Fort McPherson, 31 FLRA No. 7.)
- Requiring the agency to provide transportation to an off-site laboratory for drug testing - N (National Park Service, 43 FLRA No. 69.)
- Allowing employees to grieve the designation of their position as sensitive for drug testing purposes - N (National Park Service, 43 FLRA No. 69.)

Summaries of other Authority decisions involving drug testing are included in OPM's Negotiability Determinations by the Federal Labor Relations Authority. The Web site for the drug decisions is

<http://www.opm.gov/cplmr/html/DRUG1.htm>

Effective 26 April 1999

Personnel-General

Alcohol and Drug Abuse Prevention and Control Program

**History.** This publication was originally printed on 3 November 1986. Since that time, permanent changes 1 and 2 have been issued. As of 26 March 1999, changes 1 and 2 remain in effect. This printing publishes change 3.

**Summary.** This write-in change continues in force the Department of the Army policies announced in change 2 (effective 1 October 1995), provides revised instructions to commanders and supervisors for dealing with adverse and

disciplinary actions, and provides guidance for expanding the Army's Drug-Free Federal Workplace Drug Testing Programs. This change revises DA Form 5017-R.

**Suggested improvements.** Users are invited to send comments and suggested improvements DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to Deputy Chief of Staff Personnel (DAPE-HR-PR), 300 Army Pentagon, Washington, DC 20310-0300.

1. AR 600-85, 3 November 1986, is changed as indicated below. In the event that unrevised portions of this regulation conflict with the provisions of this change, the provisions and intent of this change will take precedence.

*Page i. The title page is amended to add the following paragraph to the applicability statement.*

c. During mobilization, policy contained in this regulation may be modified by the proponent.

*Page 7. Paragraph 1-9p is superseded by the following new paragraph.*

p. Enrollment of civilian employees and family members is voluntary. Employees will be offered assistance for alcohol or drug abuse related problems. Civilian employees have the option of participating in either the installation rehabilitation program or of being referred to an approved program in the civilian community. Exceptions are oversea commands where the services of the local ADAPCP will be used.

*Page 23. Paragraph 5-2a. In the first sentence insert the word "may" after the word "problems," as follows:*

a. The objectives of the ADAPCP CCS are based upon the assumption that alcohol and other drug abuse and related personal problems may have an adverse effect on the job performance and retainability of any Army civilian employee. Accordingly, the objectives of the CCS for civilian employees are to--

*Page 23. Paragraphs 5-4d and (1) through (10) are superseded as follows:*

d. The supervisor has a key role in establishing and monitoring a drug-free workplace. The supervisor is directly responsible for supporting both the ADAPCP and

the employee. This requires careful and consistent attention to the evaluation of the employee's job performance, conduct, or attendance, which could indicate a pattern of alcohol or other drug abuse. Supervisors are also responsible for referring employees to the ADAPCP civilian services for information, assessment, short-term counseling and referral leading to enrollment for treatment in the ADAPCP clinic or in a community resource.

(1) Supervisors should consult with the servicing Civilian Personnel Advisory Center (CPAC) and notify the appropriate law enforcement authorities when there is reasonable suspicion that an employee is engaged in criminal conduct involving alcohol or other drugs (such as trafficking, theft, illegal possession).

(2) Supervisors should consult with the servicing CPAC and the ADAPCP civilian services when an employee appears to be under the influence of alcohol or other drugs while on duty.

*Page 24. Paragraph 5-5 is superseded as follows:*

**5-5. Relationship with disciplinary and adverse actions**

a. Supervisors must consult with their servicing CPAC before initiating any formal disciplinary or adverse action. Supervisors should consult with their servicing CPAC before referring an employee to the ADAPCP. The servicing CPAC will advise the supervisor about his or her options and responsibilities.

b. According to EO 12564 and DOD Directive 1010.9, any DA civilian employee who is found to use illegal drugs may be subject to disciplinary action. Such determination may be made on the basis of direct observation, a criminal conviction, confirmed positive test, the employee's own admission, or other applicable

evidence. A range of disciplinary actions is available. All formal disciplinary actions must be coordinated with the servicing CPAC. The servicing CPAC will assure appropriate coordination with the labor counselor. DA employees in testing designated positions (TDP) (as defined in para 5-14b) who are found to use illegal drugs shall not remain in the TDP. Upon successful completion of rehabilitation, or as part of a rehabilitation program if progress is evident and the employee poses no danger to health, safety or security, the employee may be returned to the TDP.

*Page 25. Paragraph 5-6c(1) is rescinded.*

*Page 26. Paragraphs 5-14b and (1), (2), (3), and (4) and table 5-1 are superseded by the following new paragraphs:*

b. Certain positions as defined by Executive Order 12564, Drug-Free Federal Workplace (DFW), are characterized by critical safety or security responsibilities and are called testing designated positions. Provided below are the sensitive positions or categories of positions that involve law enforcement, national security, the protection of life and property, or public health or safety that have been identified as TDPs. These positions have duties and responsibilities that are consistent with the parameters established by the Department of Health and Human Services (DHHS), Division of Workplace Programs (DWP), and the Office of National Drug Control Policy (ONDCP). Employees in these TDPs are subject to random testing that occurs without suspicion that a particular individual is using illegal drugs.

(1) Positions that authorize the incumbent to carry firearms.

(2) Positions that require the incumbent to operate a motor vehicle transporting one or more passengers on at least a weekly basis.

(3) Operators of motor vehicles who are required to have a commercial drivers license and drive motor vehicles weighing more than 26,001 pounds or drive motor vehicles transporting hazardous materials.

(4) Positions that require the incumbent to maintain a Top Secret clearance or have access to Sensitive Compartmented Information.

(5) Railroad operating crews and railroad personnel in positions in which the duties include handling train movement orders, conducting safety inspections, or the maintaining and repairing of signal systems.

(6) Aviation flight crewmembers, air traffic controllers, and aviation personnel in positions in which the duties include dispatching, safety inspections, or the repair and maintenance of aircraft.

(7) ADAPCP positions in which the incumbent provides direct rehabilitation and treatment services to identified illegal drug users.

(8) Personnel Reliability Program (PRP) positions. Nuclear duty positions or chemical duty positions under the provisions of AR 50-5 or AR 50-6.

(9) Positions that require duties involving the supervision or performance of controlling and extinguishing fires, and/or the rescuing of people endangered by fire.

(10) Positions that require the handling of munitions or explosives in connection with the manufacturing, maintenance, storage, inspection, transportation, or demilitarization of these items.

(11) Positions that require the incumbents to electroplate critical aircraft parts.

(12) Front line law enforcement personnel with drug interdiction duties who have access to firearms.

*Page 26. Paragraphs 5-14c and c(1) are changed as follows:*

c. There may be certain jobs that a MACOM or installation commander considers appropriate to be identified as TDPs for the purpose of drug abuse testing but that do not fall within those listed in paragraph b above. These may be included in the testing program with prior approval of MACOM, DA, and DOD. A formal request for authorization to test these specific positions must be forwarded through channels and must satisfy the requirements listed below. Decisions will be made on a case-by-case basis. Under no circumstances does an earlier decision to identify a specific job as critical carry over to any other job class or to a similar job at another MACOM/installation.

(1) Any request for identification of a specific job as critical for the purpose of drug abuse testing must clearly fall within the parameters of Executive Order 12564. The request for inclusion must specify that the duties of the position involve law enforcement, national security, protection of life and property, public health or safety, or other functions requiring a high degree of trust and confidence.

*Page 26. Paragraph 5-14c(5) is changed as follows:*

(5) Any request for designation of jobs as TDP must be submitted through the respective MACOM for HQDA and DOD approval before testing is authorized. Requests should be sent to Deputy Chief of Staff Personnel (DAPE-HR-PR), 300 Army Pentagon, Washington, DC 20310-0300.

*Page 27. Paragraph 5-14d(1) is changed as follows:*

(1) Persons working in or tentatively selected for TDPs will be required to participate in urinalysis testing in the following circumstances:

*Page 27. Paragraphs 5-14e(2) and (3) are changed as follows:*

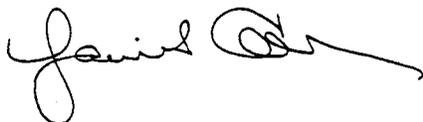
(2) When there is a reasonable suspicion that an employee uses illegal drugs. Reasonable suspicion testing may be required of any employee in a position which is designated for random testing when there is reasonable suspicion that the employee uses illegal drugs whether on

or off duty. Reasonable suspicion testing may also be required of any employee in any positions when there is a reasonable suspicion of on-duty use or on-duty impairment.

(3) When there is an examination authorized by DOD or DA regarding an accident or unsafe practice. When there is an examination authorized by an appropriate installation or activity commander regarding an accident or unsafe practice. Accordingly employees may be subject to testing when, based on circumstance of the accident, their actions are reasonably suspected of having caused or contributed to an accident that results in a death or personal injury requiring immediate hospitalization or in damage to Government or private property estimated to be in excess of \$10,000.

*Page 113. DA Form 5017-R (Civilian Employee Consent Statement) is changed in the paragraph titled "Understanding." A copy of the revised DA Form 5017-R is at the back of this change 3 for local reproduction on 8½- by 11-inch paper.*

2. A complete revision of AR 600-85 will incorporate these changes.
3. Post these changes per DA Pam 25-40.
4. File this change in front of the publication.



Louis Caldera  
*Secretary of the Army*

**Distribution.** Distribution of this publication is made in accordance with initial distribution number (IDN) 092219, intended for command levels A, B, C, D, and E for Active Army, Army National Guard of the U.S., and the U.S. Army Reserve.

**CIVILIAN EMPLOYEE CONSENT STATEMENT**

For use of this form, see AR 600-85

**NOTE:** Prepare this form in the original only and file in the ADAPCP client case file folder. Reproduction and distribution of this form are prohibited.

**JUSTIFICATION**

Purpose of this statement is to request and enlist the cooperation and assistance of your immediate supervisor in your behalf. His/her involvement in your treatment plan will greatly assist us in providing ADAPCP services. For this purpose, however, it is necessary to obtain your consent, pursuant to S 1401.21 of the Public Law cited as follows: Section 408, Public Law 92-255, The Drug Abuse Office and Treatment Act of 1972 (21 USC 1175), as amended in 1974 by Section 303, Public Law 93-282.

**UNDERSTANDING**

I understand that I must give my consent before any involvement or participation by my supervisor can take place concerning my treatment plan. (By "supervisor," it is intended the person who initiates and/or rates all personnel actions concerning myself.) I further understand that my supervisor will only receive information on progress and attendance. No personal information of any kind will be disclosed without my specific consent each time information is either required or given. I also understand that, with or without consent for release of information to my supervisor, ADAPCP services will be equally available to me.

**CONSENT**

Having understood the basis for consent, I \_\_\_\_\_  
(Name of Client)

agree  do not agree with the Civilian Program Coordinator on the involvement of my supervisor,

\_\_\_\_\_ in my treatment plan. I understand that I may  
(Name of Supervisor)  
withdraw this consent at any time.

**REMARKS**

SIGNATURE OF CLIENT

DATE (YYYYMMDD)

NAME AND TITLE OF WITNESS (Type or print)

SIGNATURE OF WITNESS

DATE (YYYYMMDD)

**WITHDRAWAL OF CONSENT**

(Sign below if and when you decide to withdraw your consent)

SIGNATURE OF CLIENT

DATE (YYYYMMDD)

# ARMY CENTER FOR SUBSTANCE ABUSE

## Instructions for Expanding Army Drug-free Federal Workplace Civilian Drug Testing Program

1. The expansion of the Army Drug-free Federal Workplace (DFW) civilian drug testing program will require a team effort involving management, the Alcohol Drug Control Officer (ADCO), the Civilian Personnel Advisory Center (CPAC), Legal, Security, and the Installation Biochemical Test Coordinator (IBTC). At each Army installation the civilian drug testing pool will include all the categories of positions identified in Change 3, paragraph 5-14 b (1) through- (12). Recommend that the Installation Commander establish an implementation-working group, headed by the ADCO, with representation by the CPAC, Legal, Security, and others as appropriate.

- a. The random selection and the collection of urine samples from incumbents in non-bargaining unit testing designated positions (TDPs) can begin 30 days after the incumbent has signed the Condition of Employment (DA Form 5019-R) (and was provided a copy) or refused to sign (and was provide a copy).
- b. Notifying affected employees, distribution of conditions of employment forms and the random selection and the collection of urine samples from incumbents in bargaining unit positions cannot begin until local union officials have been notified of the change and afforded an opportunity to request bargaining. Should a union timely request bargaining over Change 3 to AR 600-85, implementation can generally not begin until negotiations have been completed. Additionally, 30 days must elapse between the time the incumbent signs the Condition of Employment (DA Form 5019-R) (and is provided a copy) and the selection and the collection of a sample is conducted.

2. This committee would:

- a. Develop an implementation plan, establish a realistic time frame for implementing the expansion, and identify roles and individual responsibilities.

- b. Develop procedures for informing affected unions about Change 3 to AR 600-85, to include the increase in the categories of testing designated positions (TDPs). Notification to the affected unions must precede any information being disseminated to the workforce.
- c. Establish a process for identifying all newly designated installation TDPs.
- d. Insure review (by Security) of those positions requiring Top Secret (TS) clearance and Sensitive Compartmented Information (SCI).
- e. Require Legal review and approval of all locally identified TDPs to ensure compliance with this change.
- f. Require the consolidation of all identified TDPs into an installation document and identify a process for keeping it updated.
- g. Provide affected unions an opportunity to request Impact and Implementation (I&I) Negotiations. If requested, complete negotiations prior to implementation
- h. Establish a process for ensuring that all necessary administrative requirements are accomplished, e.g., documenting this condition of employment, coding the positions in the Defense Civilian Personnel Data System (DCPDS), placing the requirement in vacancy announcements and the annotation of the position descriptions.
- h. Identify a plan to educate and train supervisors and affected employees regarding their rights and responsibilities.

3. Additional instructions and recommendations to assist in the development of the implementing plan follow.

## **Additional Instructions for Expanding Army Drug-free Federal Workplace Civilian Drug Testing Program**

### **(1). Informing the affected unions.**

Before any action is undertaken, the affected unions need to be informed of the proposed change and afforded a reasonable amount of time to request bargaining. A copy of Change 3 should be provided to the affected unions. Some of the TDPs identified in the Change were previously TDPs, while others are new additions. Recommend the CPAC promptly initiate this required initial union notification.

### **(2). Identification of TDPs.**

ADCO in consultation with the CPAC should prepare a memorandum for all Directorates and Heads of Agencies. Installation Commander would sign the memo requesting each Director and Head of Agency to provide a list of the identified TDPs and all present incumbents in those positions. (Memo should also identify POC who can be contacted for additional assistance specifically related to the identification process). In some situations the supervisors may have a question regarding whether a specific position should be identified as a TDP. In some cases the identified POC may be able to easily resolve the issue. The more "complex" issues/questions may require a review by the committee involving the supervisor and a detailed review of the position description. Suggest that Legal have the final approval authority. Recommend the following format be used to obtain list of identified TDP positions and incumbents. It should be sorted first by organization, then by category of covered positions.

#### **(EXAMPLE)**

##### **Organization (R&D Directorate)**

##### **(1) Positions which authorize the incumbent to carry firearms**

Employee name and SS#, (Title, series, grade, position description number) (Name and phone number of the first line supervisor)

### **(3). Security review.**

Suggest that the installation security officer review all identified TS and SCIs positions to insure that the identified employees have the approved requisite clearance.

(4). Legal review.

To ensure that all positions are legally defensible, suggest, at a minimum, that Legal review all locally identified new TDP positions to ensure compliance with Change 3.

(5). Installation documents. Suggest that the ADCO summarize the information and compile an installation document which would identify the total number of TDP positions, number of TDPs by type of position, incumbents and their supervisors and their respective organizations and telephone numbers. A process for keeping the installation list updated needs to be identified.

(6). Administrative Requirements.

a. Recommend supervisor, after any requested negotiations have been completed, explain to incumbents the DFW civilian drug testing program, specific conditions and possible consequences of refusal to submit to the test or of a verified positive test result. In addition, the supervisor should provide the employee with handout materials designed to inform the employee about the program, the conditions of employment, substance abuse and the installation EAP. The supervisor will obtain the incumbent's dated signature on the drug testing condition of employment, (DA Form 5019-R) and provide the employee a copy of the signed form. If an employee refuses to sign the form, the supervisor must sign and date the form certifying that the employee refused to sign and that a copy of the form was provided to the employee. The supervisor will consult with the CPAC when an employee refuses to sign the DA Form 5019-R.

b. Once the positions have been approved IAW the review process above, the CPAC will provide to the CPOC the list of positions with identifying data.

c. The CPOC will ensure that all the newly identified positions are coded in the DCPDS.

d. The CPAC will provide to supervisors the required number of conditions of employment forms ( DA Form 5019-Rs). The supervisors are responsible for obtaining the employee's signature on the form (or for annotating the form if the employee refuses to sign.) Once signed, the supervisor should

retain a copy, provide a copy to the employee, a copy to the ADCO and send the original copy to the CPAC. The CPAC will forward the original to the CPOC, where it will be filed in the Official Personnel Folder (OPF). Suggest that the ADCO annotate the installation TDP list to reflect date when employee signed condition of employment and/or provided copy of condition and required handout materials.

**(7). Educate and train supervisors.**

Recommend the installations conduct supervisor training before the supervisors attempt to obtain incumbents' signatures on the conditions of employment (DA Form 5019-Rs). This training would enable supervisors to more knowledgeably discuss/explain the drug testing program. Further recommend that the installation conduct training for the newly designated workforce in order to resolve some of the incumbents' concerns, questions, and anxiety about the requirement for drug testing. (Training may promote more positive participation in the drug testing program by designated TDP workforce.)

a. Suggest the ADCO in consultation with the CPAC schedule training for supervisors. Recommend ADCO obtain training video, and have the functional experts available to respond to questions or concerns. Further suggest that ADCO annotate installation TDP list to reflect date when supervisor received training.

b. Suggest the ADCO in consultation with the CPAC schedule training for all newly designated TDPs. Again suggest the ADCO obtain training video, and have available the functional experts available for follow-up questions.

4. POC for assistance regarding above instructions is Mr. Stanley Prepocius (703) 681-5565, DSN 761-5565, E-mail prepociu@usadaoa-emh1.army.mil.

# AMC CONTROL AND ROUTING SLIP

(AMC-M 1-2)

BASIC DATE <b>10 June 1999</b>		TASKING DATE		SGS CONTROL DATA	
FILE NO			CASE		SGS CASE NO.
SUBJECT <b>Change 3 to AR 600-85, Alcohol and Drug Abuse Prevention and Control Program</b>				SUSPENSE DATE	
				SACO	
				TASKING OFFICIAL	
ACTION <b>AMCPE-MP</b>		ASSIST		INFORMATION	

SPECIAL INSTRUCTIONS

**MEMORANDUM FOR RECORD**

**0 Request C/S sign the memorandum at TAB X regarding implementation of Change 3 to AR 600-85, Alcohol and Drug Abuse Prevention and Control Program (ADAPCP).**

**0 Change 3 (TAB A) expands the Army's Drug-free Federal Workplace Drug Testing Program.**  
 oo Eight new categories of civilian Testing Designated Positions (TDPs) have been added to the testing pool. The new categories include:

- Drivers who transport passengers.
- Drivers who are required to have commercial drivers license.
- Railroad personnel.
- Firefighters.
- Munitions handlers.
- Electroplaters.
- Law enforcement personnel with drug interdiction duties.
- Personnel that require a Top Secret clearance or have access to sensitive Compartmented Information.

**0 No HQDA suspense for full implementation has been set. HQDA implementation instructions are at TAB B.**

Correct Copy

CORRESPONDENCE FORWARDED  
 ALL INFORMATION IS  
 TYPIST *hjs*  
 ACTION OFFICER  
 SECTION CHIEF

(Use reverse side if necessary)

COORDINATION (PRINT OR TYPE)						ROUTING SEQUENCE	APPROVAL				
DATE	OFFICE	NAME/RANK	INITIALS	CC/NC	EXTENSION		OFFICE	NAME	INITIALS	DATE	
	AMCPE-C	<i>h Gravatt</i>	<i>AG</i>	CC	9547	1	DIVISION	Mr. Anastasio	<i>EIV</i>	6/11/99	
	AMCPE-S					2	DCS-XO	CAPT James			
<i>6/15</i>	AMCCC-6	<i>L. Mills -15</i>	<i>LM</i>	CC	8049	3	ADCS	COL Conover			
	AMCSG					4	DCS	Ms Darby			
						5	SGS	LTC Trimble			
						6	CSM				
						7	ACS				
						8	CS	MG Williams			
						9	P DEP				
						10	DCG				
						11	CG XO				
ACTION OFFICER (Name and Signature) Pamela Budda						TELEPHONE NUMBER 617-4705		12	CG		
								13	SACO	Ms Schutrum	



DEPARTMENT OF THE ARMY  
HEADQUARTERS, U.S. ARMY MATERIEL COMMAND  
5001 EISENHOWER AVENUE, ALEXANDRIA, VA 22333-0001

REPLY TO  
ATTENTION OF

AMCPE-MP (600-85)

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Expansion of the Civilian Drug Testing Program

1. Reference Change 3 to AR 600-85, Alcohol and Drug Abuse Prevention and Control Program, 26 Apr 99.
2. The U.S. Army Materiel Command (AMC) Alcohol and Drug Abuse Prevention and Control Program is the Commander's primary tool in the prevention and identification of alcohol and other drug abuse.
3. Change 3 significantly expands the Army Drug-free Federal Workplace (DFW) civilian drug testing program. The expansion of categories within the Testing Designated Positions (TDPs) is a priority of the AMC. Installation commanders should establish a DFW implementation working group, chaired by the Alcohol and Drug Control Officer to accomplish the following:
  - a. Identify all newly designated installation TDPs.
  - b. Review of identified positions by Legal and Security to ensure compliance with this change.
  - c. Provide affected unions with Impact and Implementation Negotiations prior to implementation.
  - d. Establish a process for the completion of all administrative requirements.
  - e. Establish a plan to train supervisors and affected employees regarding their rights and responsibilities.
4. Implementation of the expansion requires a team effort to accomplish. Completion of the process will provide AMC commanders with an additional mechanism to ensure the safety and productivity of the work force.

AMCPE-MP

SUBJECT: Expansion of the Civilian Drug Testing Program

4. Point of contact is Ms. Pamela Budda, DSN 767-4705 or (703) 617-4705. Point of contact for Labor Relations/Employee Relations issues is Ms. Teresa Green, DSN 767-3408 or (703) 323-8171.
5. AMC -- Your Readiness Command ... Serving Soldiers Proudly!

NORMAN E. WILLIAMS  
Major General, USA  
Chief of Staff

DISTRIBUTION:

- Major General Larry G. Smith, Commander, U.S. Army Security Assistance Command, 5001 Eisenhower Avenue, Alexandria, VA 22333-0001
- Major General Emmitt E. Gibson, Commander, U.S. Army Aviation and Missile Command, Redstone Arsenal, AL 35898-5000
- Major General Roy E. Beauchamp, Commander, U.S. Army Tank-automotive and Armaments Command, Warren, MI 48397-5000
- Major General Robert L. Nabors, Commander, U.S. Army Communications-Electronics Command, Fort Monmouth, NJ 07003-5000
- Major General John C. Doesburg, Commander, U.S. Army Soldier and Biological Chemical Command, Aberdeen Proving Ground, MD 21010-5423
- Major General Joseph W. Arbuckle, Commander, U.S. Army Industrial Operations Command, Rock Island, IL 61299-6000
- Dr. Robert W. Whalin, Director, U.S. Army Research Laboratory, Adelphi, MD 20783-1197
- Brigadier General William L. Bond, Commander, U.S. Army Simulation, Training and Instrumentation Command, 12350 Research parkway, Orlando, FL 32823-3276
- Brigadier General Dean R. Ertwine, Commander, U.S. Army Test and Evaluation Command, Aberdeen Proving Ground, MD 21005-5055