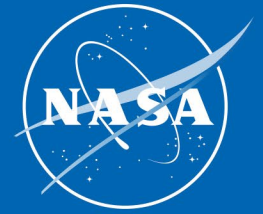


National Aeronautics and Space Administration



# NASA's Drug-Free Workplace Program

March 2023



## Employee & Supervisor Guide

# DRUG-FREE WORKPLACE PROGRAM

This booklet provides National Aeronautics and Space Administration (NASA) employees with a reference for the types of drug tests conducted under the NASA Procedural Requirements (NPR) 3792.1, Plan for a Drug Free Workplace. It also contains helpful information about NASA’s Drug-Free Workplace Program (DFWP), information on the supervisor’s role, and where to obtain additional information.

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# Purpose of NASA's Drug-Free Workplace Program (DFWP)

## Safety for All NASA Employees

NASA strives to ensure that the workplace is safe and free of illegal drug use by all employees. NASA's DFWP is one component of ensuring your safety.

## Compliance with Federal Regulations

Executive Order (EO) 12564, Drug-Free Federal Workplace, signed by President Ronald Reagan on September 15, 1986, established the goal of a drug-free workplace and made it a condition of employment for all Federal employees to refrain from using illegal drugs whether on or off duty. In addition, the Civil Space Employee Testing Act of 1991 directed NASA to establish a drug testing program. NASA's plan for providing a drug-free workplace is contained in NPR 3792.1, NASA's Plan for a Drug Free Workplace.



## Types of Drugs Tested

NASA tests for:

Marijuana • Cocaine • Amphetamines • Opioids  
and Phencyclidine (PCP)

Note: The list of drugs/controlled substances that an agency can test for is subject to change. Refer to the most recent version of the Mandatory Guidelines for Federal Workplace Drug Testing Programs.

# Individuals Who Can be Tested



## **NASA Employees in a TDP**

NASA employees who are in a Testing Designated Position (TDP) are subject to being tested. In general, TDP employees are subject to any drug test types conducted at NASA.

## **NASA Employees Not in a TDP**

Generally, NASA employees who are not in a TDP are not tested. However, even if the employee is not in a TDP, the employee could be subject to testing under any of the following circumstances:

- Based on reasonable suspicion of illegal drug use.
- As a part of an investigation into an accident or unsafe practice.
- After rehabilitation as a result of a finding of or admittance to illegal drug use.
- If the employee volunteers to be included in the pool of employees subject to random testing.



# Reasons for Drug Tests

NASA conducts drug tests for the following reasons:

## **Pre-employment Testing**

As a condition of employment, testing of any applicant tentatively selected for a TDP, including current NASA employees who, prior to selection for the TDP, had not been subject to random drug testing. A negative test result is required prior to entering on duty.

## **Random Testing**

Unannounced testing of employees in TDPs who have been randomly selected. This also includes unannounced random testing of employees who are not in a TDP but who have volunteered to be included in the pool.

## **Reasonable Suspicion Testing**

Testing of any employee based on observable phenomena, an arrest or conviction for a drug-related offense or criminal investigation, information provided by a reliable/credible source or independently corroborated, or new evidence that an employee tampered with a previous test result.



## **Post-accident or Unsafe Practice Testing**

Testing of an employee due to an accident or unsafe practice that occurred on the job and caused, or may have contributed to, serious injury or death or damage to Government or personal property.

## **Follow up Testing**

Unannounced testing of an employee who successfully completes rehabilitation for illegal drug use, regardless of TDP status. These employees are subject to a minimum of four unannounced tests for a period of at least 1 year.

# Protection of Privacy

NASA's DFWP emphasizes that employees should be treated with personal dignity and respect for their privacy whenever drug testing is conducted. Your privacy will be protected in two ways:

**Personal Privacy and Dignity.** You will have the opportunity to provide your specimen in private (e.g., in a restroom stall); however, there could be an exception to this, such as:

- At the scene of an accident when there is no way to provide for privacy.
- If the collector has reason to believe that you have or will attempt to alter or substitute the specimen (subject to Agency approval).
- When the Medical Review Officer (MRO) directs the Agency to observe the collection due to the result of a previous test.

When observation is required, the observer will be someone of the same gender.

**Confidentiality of Records.** Drug testing results are protected in accordance with Privacy Act safeguards. Therefore, only Agency management personnel with a "need to know" will have access to your test results. These officials include the MRO, the Employee Assistance Program (EAP) Coordinator, the Drug Program Coordinator (DPC), and the management officials empowered to recommend or take disciplinary action. In addition, records of the identity, diagnosis, prognosis, or drug abuse treatment of an employee are subject to the physician-patient privilege.



# UNDERSTANDING

# RANDOM

# DRUG TESTING

## What Random Testing Means

Every employee in a TDP has an equal chance of selection each time a test is conducted.

- Previous testing does not influence the next random selection.
- Selection of a previously tested employee is just as probable as anyone else in a TDP for the next test.
- Some employees may be selected repeatedly while others may never be selected.

## How NASA Ensures Random Testing Is Truly Random

The NASA Shared Services Center (NSSC) uses a drug testing software program that does not consider an employee's selection history before randomly selecting the employee. The algorithms used by the program's random selection generator have been externally certified.

### Frequency of Random Selection for TDPs

Employees are randomly tested only when they are selected by NASA's random sampling software program. This program has been certified and incorporates a comprehensive audit trail. You have an equal chance of being selected every time a random selection is made. There is no weight given to the fact that an employee has previously been tested. It is possible that you could be selected for two or more consecutive tests or not be selected for any test.



### **Who NASA Tests**

All NASA employees in TDPs are subject to random testing. TDPs are determined by supervisors and the Servicing Human Resources (HR) Office based on criteria identified in NPR 3792.1.

### **Annual Percentage of NASA Employees Tested**

Approximately 6,700 positions of NASA's total civil service workforce have been identified as TDPs, and employees in these positions are subject to random drug testing. Twenty-five percent of the total TDP population are randomly selected for testing each year.

### **Reasons NASA Randomly Tests for Illegal Drug Use**

Random drug testing for illegal drug use by NASA employees in TDPs is mandated by EO 12564 and NPR 3792.1, NASA's Plan for a Drug Free Workplace. Random drug testing is the best available tool for deterring illegal drug use in the workplace – thus preventing usage, injuries, and accidents.



# DRUG TEST RESULTS

## Chain of Custody Procedures to Assure Test Results Attributed to Correct Employee

NASA's DFWP adheres to the Substance Abuse and Mental Health Services Administration (SAMHSA), Department of Health and Human Services (HHS), Mandatory Guidelines for Federal Workplace Drug Testing Programs. These guidelines mandate strict "chain of custody" procedures for collecting, transferring, analyzing, and storing a specimen. Each specimen will be tracked by a Federal Custody and Control Form (CCF), which will be dated, signed, and annotated with each transfer of possession of the specimen. Bar-coded seals on the specimen bottles match the number on the CCF and must be intact when the specimen is received at the lab, or the specimen will not be tested. Likewise, if there is any break in the chain of custody, processing of a specimen will not continue.

## Positive Drug Test Result and Prescription Medication

If your test result is positive, the MRO will provide you with an opportunity to offer an explanation or justification for the result, including details about any prescription medication you are taking that could have caused the positive result.

## Marijuana, Marijuana Oils, Marijuana-infused Products, and Hemp Products

Marijuana remains a Schedule I drug, and marijuana use is not an acceptable medical explanation for a positive drug test result. An oral or written recommendation from a licensed physician or medical professional does not exempt the donor from this rule. As such, compounds or substances that have not been approved by the Food and Drug Administration (FDA) cannot be used as a legitimate medical explanation. Additionally, be aware that the FDA does not certify levels of delta-9 tetrahydrocannabinol (THC) in cannabidiol (CBD) products, so the percentage of THC cannot be guaranteed, thus posing a concern pertaining to the use of a CBD product under Federal law. Therefore, there is a risk that using these products may nonetheless cause sufficiently high levels of THC to result in a positive marijuana test under Agency-administered drug testing programs.

The use of hemp derived, or marijuana infused products may have a negative impact on the results of a drug screen. Only FDA approved products may provide acceptable medical justification for a non-negative result.

THC levels in hemp-derived products must be no greater than 0.3 percent on a dry weight basis. If hemp-derived products exceed the 0.3 percent threshold, they could be considered a Schedule 1 drug.

It should be noted that studies have indicated erroneous CBD product labeling reflecting inaccurate levels of THC. This may lead to a positive drug test result.





### Passive Exposure

Passive exposure to and ingestion of food products containing substances resulting in a positive drug test are not acceptable medical explanations. Individuals who are passively exposed to smoke or who consume food products containing marijuana or other illegal substances can pose public safety and/or security risks.

### Inability to Provide a Sufficient Specimen

If during your testing time, you are unable to provide a sufficient volume of specimen, you must remain at the test location up to 3 hours or until you are able to provide a sufficient urine specimen. Leaving the test site before conclusion of the test may constitute a refusal to test, and you may be subject to disciplinary action.

### Consequences of Positive, Substituted, Adulterated, or Invalid Test Result

NASA is committed to providing an employee who has a drug problem with the opportunity to overcome the problem without jeopardizing the employee's career, except when doing so might compromise public safety. Therefore, an employee will be offered an opportunity for counseling and rehabilitation; however, the employee will be subject to some form of disciplinary action. Disciplinary action may include any of the following:

- Written reprimand.
- Placement in an enforced leave status.
- Suspension for 14 days or less.
- Suspension for 15 days or more.
- Suspension until successful completion of rehabilitation or until NASA determines what action other than suspension is more appropriate.
- Removal from Federal service.

### Supervisor Notification of Employee's Test Result When Positive, Substituted, or Adulterated

The supervisor is only notified by the NSSC Drug Testing Administration if the employee's result is not negative (i.e., positive, substituted, or adulterated). If the MRO determines a nonnegative test result is due to a valid prescription, that result is not reported unless that drug constitutes a safety concern. In accordance with NPR 3792.1, Chapter 4, Finding of Illegal Drug Use and Disciplinary Consequences, the supervisor must initiate appropriate disciplinary action. The supervisor also must know the result to approve the employee's leave for counseling and treatment.

### Employee Notification of the Test Result

If you are tested for a follow-up, post-accident or unsafe practice, random, or reasonable suspicion test, you will be notified of the drug test result.





# The Supervisor's Role in Random Drug Testing

**Random Drug Testing** is unannounced testing of employees in TDPs (or those who have volunteered to be included in the testing pool) who have been randomly selected. Each employee has an equal chance of being selected for testing.

**Distribution of Test Notices** – When an employee is randomly selected for drug testing, the employee's supervisor will receive the drug test notice for each employee being tested. Once the supervisor receives the notification, the supervisor must notify the employee of the test no earlier than 2 hours before the scheduled test time. The supervisor should ensure confidentiality is maintained when distributing the test notice to the employee. Supervisors need to be aware that if the employee cannot report at the scheduled time, the appointment can be deferred (for approved reasons outlined in NPR 3792.1) or rescheduled during the times provided on the test notice.

**Deferral Form** – As outlined in NPR 3792.1, paragraph 3.4.2, Deferral of Random Testing, an employee may only be deferred if the employee is in approved leave status (e.g., administrative, annual, sick, or Leave Without Pay); official travel status; or is in training that is off-Center. If the supervisor must defer an employee who meets one of the criteria, follow the instructions on the deferral form provided with the test notice package; complete the form; and send it to the NSSC Drug Testing Administration as soon as possible.

# The Supervisor's Role in Reasonable Suspicion Drug Testing

**Reasonable Suspicion Drug Testing** is testing of any employee based on observable phenomena, an arrest or conviction for a drug-related offense or criminal investigation; information provided by a reliable/credible source or independently corroborated, or on new evidence that an employee tampered with a previous test result.

**Initiate Testing** – Once the supervisor has documented the information that supports the basis for requesting the reasonable suspicion test as outlined in NPR 3792.1, the supervisor shall obtain concurrence by a higher-level supervisor and the Center's Office of Chief Counsel (OCC) before requesting a reasonable suspicion test. After receiving concurrence, the supervisor should contact the Servicing HR Office and the DPC who will, in turn, notify the NSSC Drug Testing Administration.

# The Supervisor's Role in Post-accident or Unsafe Practice Drug Testing

**Post-accident or Unsafe Practice Drug Testing** is testing of an employee due to an accident or unsafe practice that occurred on the job and caused, or may have contributed to:

- Serious injury or death; or
- Damage to Government or personal property estimated to exceed \$20,000.

**Testing Criteria** – As identified in NPR 3792.1, if one of the two criteria is met, the supervisor must present the facts leading to the incident/accident to the DPC who will immediately notify the Center Director (or designee) for approval to conduct the test.

**Initiate Testing** – After approval to test has been obtained, the DPC will contact the NSSC Drug Testing Administration to request a test be conducted. The supervisor must also provide the written report, including the appropriate signatures as soon as possible to the DPC.

WORK  
ACCIDENT



## The Supervisor's Role Upon Receipt of Drug Testing Results

The supervisor is only notified by the NSSC Drug Testing Administration if the employee's result is not negative (i.e., negative dilute, positive, substituted, or adulterated). The supervisor must follow the directions in the notification. Additionally, consult with HR and OCC on steps to immediately remove the employee from that position. In accordance with NPR 3792.1, Chapter 4, Finding of Illegal Drug Use and Disciplinary Consequences, the supervisor must initiate appropriate disciplinary action. In instances where the employee holds a security clearance or has access to National Security information, notify the NASA Office of Protective Services (OPS).

## The Supervisor's Role When an Employee Voluntarily Admits Illegal Drug Use

NASA's DFWP has a "Safe Harbor" provision for an employee who voluntarily admits illegal drug use to the employee's supervisor or HR Office prior to being identified through other means. Once the employee attends and successfully completes an appropriate counseling or rehabilitation/treatment program approved by EAP and thereafter refrains from illegal drug use, the employee shall be returned to the TDP.

However, an employee who invokes "Safe Harbor" is subject to review of eligibility to occupy a sensitive position or hold a security clearance (if applicable), based on the admission of drug use.

If an employee voluntarily admits illegal drug use to you, you must refer the employee to EAP and consult with HR on removing the employee from any TDP.



# Additional Information

## References and Resources

Additional information regarding NASA's DFWP may be found by accessing the following:

a. **NPR 3792.1, Plan for a Drug Free Workplace.**

- Location:
  - Visit the NASA Online Directives Information System (NODIS) Library at <https://nodis3.gsfc.nasa.gov>.
  - Click the 3000-3999 Human Resources and Personnel link.
  - Locate and click the document link.
- This document contains the responsibilities, procedures, and guidelines for NASA's DFWP.

b. **NSSC Drug Testing Webpage.**

- Location: <https://nasa.sharepoint.com/sites/nssc/SitePages/DrugTesting.aspx>.
- This page contains general information on the program as well as links to other helpful information.



## Questions

For questions concerning NASA's Drug Test Program administration, please contact the NSSC Customer Contact Center:

Phone: 1-877-677-2123 (1-877-NSSC123)

E-mail: [nssc-contactcenter@mail.nasa.gov](mailto:nssc-contactcenter@mail.nasa.gov)









NASA's  
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Workplace Program

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