



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

# Memorandum

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

Date:

From: *Maureen J. Coe*  
Maureen J. Coe, Manager Employee  
Substance Abuse Branch, AAM-210

Reply to  
Attn. of:

To:

The purpose of this memorandum is to notify you of the drug- and alcohol-testing requirements of the U.S. Department of Transportation (DOT) and the Federal Aviation Administration (FAA). This letter explains the consequences if you have a verified positive drug test result or confirmed alcohol breath test or do not comply with the collection procedures of DOT Order 3910.1C, Drug and Alcohol-Free Departmental Workplace.

## Preemployment/Preappointment Testing

It is the policy of the DOT/FAA to test all applicants and employees for illegal drug use prior to employment or appointment into critical safety- or security-sensitive positions. 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 DOT/FAA employees currently serving in a non-TDP who are tentatively selected or assigned to a TDP, all other employees of the Federal Government who are tentatively selected for an FAA TDP, and all non-Federal employees who are tentatively selected for TDP's.

The agency has determined that the position you have been tentatively selected for is a critical safety- or security-sensitive position. Consequently, you are required to submit to a preemployment or preappointment drug test before you can be appointed or assigned to the position.

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 confirmation by gas chromatography/mass spectrometry. During drug testing each donor fills-out and signs a custody and control form to ensure proper identification and tracking of each specimen provided. All test results are handled with maximum respect for individual confidentiality, consistent with safety and security. A DOT medical review officer reviews confirmed positive test results reported by the laboratory before a determination is made that an individual has used illegal drugs.

Under preemployment testing, an applicant who has a verified positive drug test, refuses to provide a urine specimen, fails to appear for a scheduled test without an acceptable explanation, refuses to provide a specimen at the collection site, is unable to provide a sufficient quantity of urine within a reasonable period of time, or tampers/adulterates/substitutes his or her specimen is denied employment with the agency.

Under preappointment testing, appropriate disciplinary action is taken against a current non-TDP whose drug test is verified as positive, refuses to provide a urine specimen, tampers/adulterates/substitutes with his or her specimen, or fail to cooperate with the collection testing/procedures. Prior to taking any disciplinary action in the case of a verified positive drug finding, the employee is offered an opportunity to enter a rehabilitation/abatement program. The disciplinary action is held in abeyance pending successful completion of the rehabilitation/abatement program if the employee agrees to accept rehabilitation.

#### Employment Testing

Once you enter into your critical safety- or security-sensitive position, you are also subject to random drug and/or alcohol testing. Random testing is unannounced and

can occur on any workday. Random drug testing is performed in the identical manner described in the fourth paragraph of this Notice.

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 to determine an employee's alcohol concentration. Any result with an alcohol concentration less than 0.02 is considered a "negative" test, and no further testing is done. If the alcohol concentration is 0.02 or greater, a confirmation test is conducted no less than 15 minutes after the screening test. The results of the confirmation test determines what action is taken.

Employees with a verified positive drug or confirmed alcohol test result are assigned to non-safety or -non-security duties if available. Employees may return to their safety- or security-sensitive duties once they successfully completed rehabilitation approved by the agency. Refusal to enter or unsuccessful completion of the rehabilitation program will result in removal from Federal services. Upon completion of the approved rehabilitation program, the employee takes a return-to-duty test. Employees with a negative return-to-duty test result returns to his/her safety- or security-sensitive duties and enter the agency's drug and/or alcohol follow-up testing program for a minimum of 1 year of unannounced testing. Employees with a second verified positive drug or confirmed alcohol test result are removed from Federal service.

Refusal to submit to random drug or alcohol testing or failure to cooperate with the collection process is grounds for removal from the Federal service.

If an employee uses illegal drugs or alcohol while on duty, that employee is removed from Federal service. No opportunity for rehabilitation is offered in this case.

All employees who occupy safety-sensitive positions are subject to pre-duty abstinence periods. All air traffic control positions and FAA aircrew members are required to

refrain from using alcohol 8 hours prior to reporting to duty. All other safety-sensitive positions have a 4 hour abstinence period before reporting to their safety-sensitive position.

Employees in TDP's 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 contributing factor or can not be completely discounted as a contributing factor to the accident or incident. After notification of testing is made to the employee, the employee must remain readily available for such testing and must refrain from using alcohol until tested for alcohol for up to 8 hours after the accident or incident.

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

Your signature below acknowledges receipt of this notice.

\_\_\_\_\_  
Print

\_\_\_\_\_  
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.

\_\_\_\_\_  
Signature of Personnel Official

\_\_\_\_\_  
Date