



# NASA Procedural Requirements

**COMPLIANCE IS MANDATORY**

**NPR 3792.1C**

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2014

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## **Subject: NASA's Plan for A Drug Free Workplace**

**Responsible Office: Office of Human Capital Management**

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## **Chapter 2. Responsibilities**

### **2.1 Administrator**

2.1.1 In accordance with 51 U.S.C. 31102, the NASA Administrator shall prescribe regulations for drug testing.

### **2.2 Assistant Administrator for Human Capital Management (AA, HCM)**

2.2.1 The AA for HCM shall: a. Set Agency policy direction and ensure the implementation of a DFWP complies with E.O. 12564 and implementing regulations. b. Designate the Agency Drug Program Manager (DPM) 2.2.2 In collaboration with the DPM, the Agency OHCM and the Center Drug Program Coordinators (DPCs) will provide training to ensure that all employees and supervisors are informed about the Agency DFWP.

### **2.3 Agency DPM**

2.3.1 The Agency DPM shall:

- a. Report to the AA, HCM on the status of the DFWP.
- b. Oversee implementation of the Agency program.
- c. Ensure efficient and effective use of resources and accomplish reliable and accurate testing.

### **2.4 Executive Director, NSSC**

2.4 The Executive Director, NSSC or designee shall:

- a. Serve as the designated Agency representative in accordance with the Mandatory Guidelines.
- b. Establish/direct the Agency Drug Testing Team.
- c. Ensure all personnel involved in the drug testing program comply with the confidentiality requirements contained in law and this directive (reference 5 U.S.C. 552a and 42 CFR Part 2).
- d. In accordance with the Mandatory Guidelines and this directive:
  - (1) Manage, administer, and implement the Agency's drug testing program.
  - (2) Procure the services of a certified licensed physician to serve as the Agency's Medical Review Officer.
  - (3) Procure the services of a specimen collection service and a HHS certified laboratory service.
  - (4) Coordinate with Center DPCs on program administration matters and ensure collection sites meet requirements.
  - (5) Monitor program for compliance and ensure reporting requirements are met (e.g., monitor collection activities

related to drug tests, inspect at least 5 percent of collection sites annually, submit blind samples, complete the HHS Annual Survey Report.)

(6) Coordinate with and report to the DPM on Center DPC activities and findings that may affect the reliability or accuracy of laboratory results.

## **2.5 Medical Review Officer (MRO)**

2.5.1 The MRO shall:

- a. Serve as the Agency's principal contact with the laboratory in ensuring the effective operation of the testing portion of the program.
- b. Complete required MRO training and certification and comply with all provisions of this directive and the SAMHSA Center for Substance Abuse Prevention, MRO Manual for Federal Agency Workplace Drug Testing Programs.
- c. Serve as the Agency subject matter expert on current MRO policy requirements. Respond to questions and provide advice and assistance on subject matter.
- d. Review and evaluate laboratory test results of the Centers' employees and tentatively selected applicants to Test Designated Positions (TDPs).
- e. Review all test results reported as positive, adulterated, substituted, invalid, or rejected for testing.
- f. Review at least 5 percent of all negative test results in accordance with the Mandatory Guidelines (Section 13.3) to ensure proper procedures are followed.
- g. Ensure that individuals whose test results are positive, adulterated, substituted, or invalid are afforded an opportunity to explain the test result in accordance with this directive.
- h. Conduct (or refer for) a medical evaluation of an individual unable to provide a specimen in accordance with the Mandatory Guidelines.
- i. Adjudicate requests from individuals for split specimen testing in accordance with the Mandatory Guidelines.
- j. Report all test results to the NSSC Drug Testing Team.

## **2.6 Center Directors**

2.6.1 Center Directors shall:

- a. Implement a sound Center-wide DFWP.
- b. Ensure that Center-level policies and programs are consistent with HHS regulations/guidance, and this directive.
- c. Decide on administrative appeals from individual employees who disagree with TDP determinations made on their positions.

## **2.7 Human Resources Directors (HRDs)**

2.7.1 HRDs shall:

- a. Designate the Center DPC.
- b. Assist supervisors with the identification of positions within their organizations that are subject to random testing in accordance with Appendix C of this directive.
- c. Ensure that vacancy announcements for TDPs include the appropriate statement regarding pre-employment and random testing.
- d. Notify internal applicants not previously subject to random drug testing or outside applicants tentatively selected for a TDP that appointment to the position is contingent upon a negative drug test result.

*Note: In this directive, HRDs refers to Center (or Headquarters) Human Resources and Human Capital Directors. References to Human Resources Offices (HROs) means the Center (or servicing) Human Resources Office.*

## **2.8 Offices of Chief Counsel (OCC) and Headquarters Office of General Counsel (OGC):**

2.8.1 The OCC and OGC shall review reports of reasonable suspicion referred to them pursuant to the procedures

described in paragraph 3.5.3 and determine whether a reasonable suspicion warranting drug testing exists.

## **2.9 Center Drug Program Coordinators (DPCs)**

2.9.1. The Center DPCs shall:

- a. In coordination with Center officials and the Employee Assistance Program (EAP), publicize and disseminate DFWP educational materials and oversee training and education sessions regarding the Agency Drug Test Program, drug use, and rehabilitation.
- b. Coordinate administrative actions with management when a finding of illegal drug use occurs.
- c. As requested, assist the NSSC Drug Testing Team with the delivery of the test notifications to employees.
- d. Ensure the NSSC Drug Testing Team has access to Center drug testing sites.
- e. Notify the NSSC Drug Testing Team when an employee is ready to begin follow-up testing.
- f. Comply with privacy and confidentiality requirements.

## **2.10 Chief Health and Medical Officer (CHMO)**

2.10.1. The CHMO shall:

Ensure that the EAPs across the Agency support the requirements of the Agency's DFWP.

## **2.11 Center Employee Assistance Program (EAP)**

2.11.1 EAP Coordinators/Counselors shall:

- a. Support the overall goals of the Agency DFWP.
- b. Provide an opportunity for counseling and treatment/rehabilitation referral services to any employee who is referred to the EAP by his/her supervisor or is a self-referral.
- c. Provide education and training on the types and effects of drugs, the symptoms of drug use, the impact of drugs on performance and conduct, treatment, rehabilitative, and confidentiality issues.
- d. Ensure the confidentiality of test results and related medical treatment and rehabilitation records.
- e. Assist supervisors with employees who are having performance and/or personal problems that may be related to illegal drug use.
- f. Monitor the progress of any referred employee during and/or after the rehabilitation period and provide feedback to his/her supervisor.
- g. Maintain a list of rehabilitative and treatment organizations that provide counseling and rehabilitative programs services.
- h. Be familiar with applicable laws and guidelines (reference E.O. 12564, Mandatory Guidelines, and SAMHSA's Model Plan for a Drug Free Workplace) and drug treatment/rehabilitative insurance coverage that is available to employees through the Federal Employee Health Benefits Program.

## **2.12 Supervisors**

2.12.1 Supervisors shall:

- a. With the assistance of their HRO, identify positions within their organization that are subject to random testing in accordance with Appendix C of this directive, NASA Guidelines for Determining TDPs Subject to Random Drug Testing.
- b. Be familiar and comply with all requirements and provisions of this directive.
- c. Participate in training on recognizing and addressing illegal drug use in the workplace.
- d. Treat employees with dignity and protect their privacy in reaching NASA's goal of a drug-free workplace.
- e. Upon determining illegal drug use by an employee, take the appropriate actions in accordance with this directive.
- f. Follow the procedures in chapter 3 of this directive to:

(1) Notify their employees who have been selected for random drug testing, ensuring that each employee receives a drug test notice in private and in accordance with the timeframe and other instructions in the supervisor notice.

- (2) Defer random drug tests for employees in appropriate situations.
  - (3) Request reasonable suspicion testing in appropriate situations.
  - (4) Determine if post-accident or unsafe practice testing is required and ensure such testing is performed.
  - (5) Grant an employee up to one hour (or more as necessitated by travel time) of excused absence for each counseling session during the assessment/referral phase of rehabilitation.
  - (6) When the testing is conducted off site, authorize the appropriate time during work hours for an employee to travel to the collection site for testing and reimburse for use of privately owned vehicle or other mode of transportation, when Government transportation is not available.
- g. In consultation with HRO, take action to address employee performance and/or conduct problems that may be caused or impacted by drug use, to include referring employees to EAP when appropriate.

## 2.13 Employees

2.13.1 Employees shall:

- a. Refrain from the use of all illegal drugs.
- b. Report as directed for drug testing in accordance with instructions and this directive.

2.13.2 Employees assigned to positions that require drug testing (i.e., a TDP), are subject to random testing for the use of illegal drugs.

2.13.3 All employees are subject to reasonable suspicion drug testing, post-accident and/or unsafe practice drug testing regardless of the TDP designation of their position.

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