

MEMORANDUM

December 6, 1995

To: Jeremy Gunn, Christopher Barger, Noelle Gray, David Montague
Chet Rhodes

From: Tammi S. Long

Subject: Drug-Free workplace taskforce--Model Plan

I have amended the Model Plan for a Comprehensive Drug Free Workplace Program to incorporate the information included in the Supplement and Attachments memo forwarded by Ron Armstrong, HHS. In order to facilitate discussion of the changes necessary to create the ARRB plan, this memo will include suggestions for modifications.

1. Where the designation "[Agency]" occurs, the first change should be the "Assassination Records Review Board, ("ARRB)". Thereafter, "ARRB" may be employed.
2. At section I. Introduction, B. Statement of Policy, "[describe type of] responsibilities," should be "[records processing] responsibilities" to accord with agency mission summary. A draft of which appears below:

"The Assassination Records Review Board is an independent federal agency created to oversee the identification and release of records related to the assassination of President John F. Kennedy. The ARRB board members and staff hold national security classification clearances which facilitate the review of records included in the designation "national security information." Drug use among members of the Board or staff would tend to compromise the integrity of ARRB, its ability to maintain the necessary secure environment and would undermine the ARRB's contribution to engendering the public trust.

3. Under subsection C. Nature, Frequency, and Type of Drug Testing to be Instituted, the designation [Agency Head] should be replaced by "Executive Director."
4. Subsection D requires a designation of the drugs which are the target of the test

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1

- testing. Marijuana and Cocaine are required. Other drug types are optional.
5. Subsection E requires a definition of the scope of testing. As a small agency, we may designate everyone (positions at ARRB are TDPs) or we have the option of excluding the 5 board members from testing pursuant to a memorandum from the Interagency Coordinating Group (ICG), Supplement to Guidance for Selection of Testing Designated Positions (TDPs). "A few agencies have part-time presidential appointees who sit on commissions or boards that meet only three or four times a year. An agency head may determine that random testing of these appointees is impractical."
 6. Subsection F, Union Cooperation can be deleted. The ARRB is not affiliated with any labor organizations.
 7. Section II, Definitions subsection C, the Employee Assistance Program Administrator is a position which will be housed at the Public Health Service. They have a program which will provide our Employee Assistance Program. However, ARRB may need to designate someone as a liaison to the PHS.
 8. Subsection D, the EAP Coordinator will be someone at PHS.
 9. Subsection E, Medical Review Officer will be someone from the Department of Interior program. We will be riding their drug-testing contract.
 10. Subsection G requires careful consideration. Because our agency is small, paragraph 1 has limited use because the divisions in our agency are rather informal. It would be difficult to identify a discreet segment for testing while leaving all others untested, however, with such small numbers, a "statistically random sampling" may unfairly stigmatize members of the staff. Testing the entire staff is an option.
 11. Subsection E, Structure is information that can be incorporated from PHS materials.
 12. Subsections H and I can be deleted. They apply to field offices of an agency and to Government Contractors.
 13. Section VII, Notice, Subsection A. Ron Armstrong can provide sample notices for use by our agency.

Long e:\drug2.mem

File

2

14. Subsection D, Administrative Relief. If someone requests removal from a TDP, the [designated official] should be the Executive Director for two reasons. 1. The Executive Director is responsible for determining TDPs (which in our case are mandated) and 2. Removal from a TDP at ARRB is arguably, the same as termination.
15. Section VIII, Findings of Drug Use and Disciplinary Consequences, subsection C, the ARRB has the option of providing a “safe-harbor” which prevents disciplining an employee who voluntarily admits to illegal drug use. Inclusion of this provision takes nothing away from the strength of the program and may soften the draconian nature of a drug-testing program.
16. Subsection D, Initiation of Mandatory Removal From Service, the [appropriate servicing personnel office] is GSA or the agency which oversees our personnel operation.
17. Subsection F provides alternative language for the “safe-harbor” provision.
18. Section IX. Random Testing, Subsection B. Determining the Testing Designated Position, we are asked to omit all non-applicable paragraphs. I suggest omitting paragraphs 2, 5 and subparagraphs a, c, and e of paragraph 6.
19. The last paragraph of subsection B, the phrase “public health and safety, the protection of life and property, law enforcement, or” should be deleted.
20. Section X. Reasonable Suspicion Testing, subsection B. Procedures, the Model Plan suggests a higher level of approval for reasonable suspicion testing. This could be the Executive Director, a committee of senior staff or the Executive Director in conjunction with those individuals who would have access to the confidential personnel files of the agency.
21. Section XV. Position Titles Designated for Random Testing. I envision a list of all the members of the ARRB staff with appropriate titles and a brief summary of duties which require a TDP determination.

Please feel free to suggest alternative language for any of the suggestions made. This memo is a tool for the committee to expedite drafting the ARRB plan.

Long e:\drug2.mem

File

3