

To:

Employee/Applicant/Appointee Name (Print)

Position Title

Agency

It is the policy of the District government to provide a drug-free workplace and for all employees to abide by this policy. Additionally, and in accordance with Chapter 4 of the District Personnel Manual (DPM), *Suitability*, this notice informs you that you have been appointed to, or occupy, a safety sensitive position that makes you subject to certain drug and alcohol testing. If you are detailed, temporarily promoted, or temporarily reassigned to a safety sensitive position, you are also subject to the types of drug and alcohol testing below while assigned to that safety sensitive position. Safety sensitive positions are positions in which it is reasonably foreseeable that, if you perform the position's routine duties while under the influence of drugs or alcohol, you could suffer a lapse of attention or other temporary deficit that would likely cause actual, immediate, and serious bodily injury or loss of your own life, or the lives of others. **Safety sensitive positions, including those for which testing is required by law, are subject to the following drug and alcohol tests: (1) pre-employment, (2) reasonable suspicion, (3) post-accident or incident, (4) random, and (5) return-to-duty or follow-up. Drug testing includes testing for the presence of cannabis (marijuana).**

In general, testing for drugs shall be conducted by urine sample from the individual being tested, and testing for alcohol use shall be conducted using an evidentiary breath-testing device or EBT, commonly referred to as a "breathalyzer." For employees holding newly designated safety sensitive positions, you may be subject to drug and alcohol testing thirty (30) days after your receipt of this advance written notice.

An appointee or employee in a safety sensitive position who tests positive for drugs or alcohol, who fails or otherwise refuses to submit to a required drug or alcohol test, or who fails or otherwise refuses to follow instructions given during a required drug or alcohol test, may be deemed unsuitable for their safety sensitive position. If an employee is deemed unsuitable, the employee is subject to administrative action, up to and including termination of employment, pursuant to the appropriate adverse action procedures, such as the procedures specified in Chapter 16 of the DPM or any applicable collective bargaining agreement. If an appointee is deemed unsuitable, their employment offer may be withdrawn.

If you are currently in a non-safety sensitive position that has been newly designated as a safety sensitive position, you may self-report any existing drug and alcohol usage within 30 days of the change in designation by contacting your immediate supervisor, agency human resources personnel, or the D.C. Department of Human Resources' Compliance Review Manager. You will be given the opportunity to undergo a counseling or rehabilitation program and will not be subject to adverse or other administrative actions while completing the program. If you choose to undergo a program, you will be removed from performing safety sensitive duties, removed from the random testing pool, and returned to your safety sensitive position upon the successful completion of treatment, a negative test result, and a fitness for duty examination, as applicable. If you are returned to duty after successfully completing a counseling or rehabilitation program, and thereafter test positive for drugs or alcohol, you will be subject to administrative action, up to and including termination of employment. **An employee who does not disclose a drug or alcohol problem during the 30-day notification period and thereafter tests positive for drugs or alcohol may be subject to administrative action, up to and including termination of employment. If you have previously been notified, you are not entitled to an additional 30-day period and this notification only serves as a duplicate of the notice previously provided to you.**

Safety sensitive employees who test positive for cannabis (marijuana) usage are presumed to be in violation of policy. Like all other controlled substances, safety sensitive employees who test positive for marijuana usage may be subject to administrative action, up to and including termination.

If you are an appointee to a safety sensitive position and disclose recent cannabis use to your agency, the agency may postpone any pre-employment drug test for up to 30 days. If you test positive only for cannabis as part of a pre-employment drug test, you may be permitted to take a second drug test at least 2 weeks after the initial test, subject to certain conditions. If you test positive for cannabis on a second test, you will be disqualified from employment in a safety sensitive position for one year and the program administrator will rescind any conditional offer or decline to make a final offer of employment.

Each personnel authority is required to provide you with notice and information on the requirements for drug and alcohol testing. This constitutes the required notice and provides you with general information about the requirements for drug and alcohol testing. You are required to acknowledge receipt of this information by signing your name at the end of this document.

NOTICE OF RIGHTS

Through this document, you are being notified as to your position's designation as safety sensitive. You have a number of rights related to this designation: (1) if your designation changes to become safety sensitive, we must inform you of the change at least 30 days before the effective date; (2) you may file an appeal of your safety sensitive designation by submitting an electronic form to <https://forms.office.com/g/vaz7tyfY8d> no later than forty-five (45) business days after the designation changes, or no later than 45 days after a significant change in circumstances occurs, such as becoming actively registered in a medical cannabis program run by the District or your jurisdiction of residence (please note that you cannot appeal your safety-sensitive designation solely because you have failed a drug test or if your position requires random drug testing pursuant to federal law or as a condition of federal funding); (3) you may request that your agency provide a written explanation of the reasons and factors justifying the safety sensitive designation; and (4) you may request a reasonable accommodation due to your use of medical cannabis, which, if granted, could include reassignment to a vacant position for which you are qualified or the modification or adjustment of your job duties. However, your agency is not required to offer an accommodation that imposes an undue hardship on the agency or that violates a federal law, contract, or funding agreement.

ACKNOWLEDGEMENT OF RECEIPT

I have read the **Individual Notification of Requirements Drug and Alcohol Testing** form and, by signing my name below, I acknowledge that I will or currently occupy a safety sensitive position that is subject to drug and alcohol testing and that I have been provided with general information about the requirements for drug and alcohol testing. I acknowledge that, if I occupy a position that becomes designated as safety sensitive, I have 30 days to disclose existing drug or alcohol usage to one of the designated personnel noted above in order to seek treatment and counseling services; I understand that I will not be subject to adverse or other administrative actions while I complete a program of rehabilitation or counseling, but that I will be removed from my safety sensitive duties until the successful completion of treatment, a negative test result, and a fitness for duty examination, as applicable. I also acknowledge that, should I test positive for drugs or alcohol 30 or more days after receipt of this notice or after having completed my treatment program, as applicable, I will be subject to the termination of my employment. However, **I understand that if I am currently serving in a safety sensitive position and have previously received and acknowledged this notice, I am not eligible for an additional 30-day notification period.**

Employee/Applicant/Appointee Name (Print)

Employee/Applicant/Appointee (Signature)

Date Acknowledged

Serving Official Name (Print)

Serving Official (Signature)

Date Served