

INACTIVE - ALL ITEMS SUPERSEDED OR OBSOLETE

Schedule Number: N1-GRS-93-004

All items in this schedule are inactive. Items are either obsolete or have been superseded by newer NARA approved records schedules.

Description:

In Fiscal Year 2013, the GRS Team began a five year project to update and revise the General Records Schedules (GRS) under OMB/NARA M-12-18, Managing Government Records Directive. The old GRS was completely superseded.

See <https://www.archives.gov/records-mgmt/grs> for the revised GRS, crosswalks, faqs, tools, and other resources.

Date Reported: 4/2/2019

INACTIVE - ALL ITEMS SUPERSEDED OR OBSOLETE

REQUEST FOR RECORDS DISPOSITION AUTHORITY (See Instructions on reverse)		LEA BLANK (NARA use only)	
TO: NATIONAL ARCHIVES and RECORDS ADMINISTRATION (NIR) Washington, DC 20408		JOB NUMBER NI-GRS-93-4	
1. FROM (Agency or establishment) U.S. Office of Personnel Management		DATE RECEIVED 8-2-93	
2. MAJOR SUBDIVISION Personnel Systems and Oversight Group		NOTIFICATION TO AGENCY In accordance with the provisions of 44 U.S.C. 3303a the disposition request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10.	
3. MINOR SUBDIVISION Office of Labor Relations and Workforce Performance			
4. NAME OF PERSON WITH WHOM TO CONFER Brenda Hickey	5. TELEPHONE 703-908-8550		
		DATE 8/5/94	ARCHIVIST OF THE UNITED STATES <i>[Signature]</i> (for)

6. AGENCY CERTIFICATION
I hereby certify that I am authorized to act for this agency in matters pertaining to the disposition of its records and that the records proposed for disposal on the attached page(s) are not now needed for the business of this agency or will not be needed after the retention periods specified; and that written concurrence from the General Accounting Office, under the provisions of Title 8 of GAO Manual for Guidance of Federal Agencies,

is not required; is attached; or has been requested.

DATE JUL 7 1993	SIGNATURE OF AGENCY REPRESENTATIVE <i>[Signature]</i>	TITLE Chief, IPD
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7. ITEM NO.	8. DESCRIPTION OF ITEM AND PROPOSED DISPOSITION	9. GRS OR SUPERSEDED JOB CITATION	10. ACTION TAKEN (NARA USE ONLY)
1.	<p><u>Federal Workplace Drug Testing Program Files</u></p> <p>e. <u>Test Results.</u> Records documenting individual test results, including reports of testing, notifications of employees/applicants and employing offices, and documents relating to follow-up testing.</p> <p>(1) Negative test results.</p> <p>Disposition. Destroy when 3 years old. [See note (2).]</p> <p>(2) Positive test results.</p> <p>(a) Employees.</p> <p>Disposition. Destroy positive test results when the employee leaves the agency. [See note (2).]</p> <p>(b) Applicants not accepted for employment.</p> <p>Disposition. Destroy positive test results after 3 years. [See note (2).]</p> <p>[NOTES: (1) Disciplinary action case files pertaining to actions taken against employees for drug use, drug possession, failure to comply with drug testing procedures, and similar matters are covered by GRS 1, item 30b, which provides for the destruction of records within the range of 4 to 7 years after the case is closed. (2) Any records covered by items 36 a-e that are relevant to litigation or disciplinary actions should be disposed of no earlier than the related litigation or adverse action case file(s).]</p> <p><i>Copies sent to agency, GRS, 8/16/94</i></p>	GRS 1/36.e.	

<u>ITEM NO.</u>	<u>DESCRIPTION OF RECORDS</u>	<u>AUTHORIZED DISPOSITION</u>
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36.	<u>Federal Workplace Drug Testing Program Files.</u>	
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Drug testing program records created under Executive Order 12564 and Public Law 100-71, Section 503 (101 Stat. 468), EXCLUDING consolidated statistical and narrative reports concerning the operation of agency programs, including annual reports to Congress, as required by Public Law 100-71, § 503(f), and statistical reports, as required by FPM Letter 792-19, 12/27/89, Section 6.

This authorization does not apply to oversight program records of the Department of Health and Human Services and its subordinate elements; the Office of Personnel Management; the Office of Management and Budget; and the Department of Justice.

- a. Drug test plans and procedures, EXCLUDING documents that are filed in record sets of formal issuances (directives, procedures handbooks, operating manuals, and the like.)

Agency copies of plans and procedures, with related drafts, correspondence, memoranda, and other records pertaining to the development of procedures for drug testing programs, including the determination of testing incumbents in designated positions.

Destroy when 3 years old or when superseded, obsolete, or no longer needed, whichever is later. [See note (2).]

- b. Employee acknowledgement of notice forms.

Forms completed by employees whose positions are designated sensitive for drug testing purposes acknowledging that they have received notice that they may be tested.

Destroy when employee separates from testing designated position. [See note (2).]

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c. Selection/scheduling records.

Records relating to the selection of specific employees/applicants for testing and the scheduling of tests. Included are lists of selectees, notification letters, and testing schedules.

Destroy when 3 years old.
[See note (2).]

d. Records relating to the collection and handling of specimens.

(1) "Permanent" Record Books.

Bound books containing identifying data on each specimen, recorded at each collection site in the order in which the specimens were collected.

Destroy 3 years after date of last entry. [See note (2).]

(2) Chain of custody records.

Forms and other records used to maintain control and accountability of specimens from the point of collection to the final disposition of the specimen.

Destroy when 3 years old.
[See note (2).]

e. Test results.

Records documenting individual test results, including reports of testing, notifications of employees/applicants and employing offices, and documents relating to follow-up testing.

(1) Positive results.

Disposition not authorized.

(2) Negative results.

Destroy when 3 years old.

[NOTES: (1) Disciplinary action case files pertaining to actions taken against employees for drug use, drug possession, failure to comply with drug testing procedures, and similar matters are covered by GRS 1, item 30b, which authorizes destruction of records between 4 and 7 years after the case is closed. (2) Any records covered by items 36 a-e that are relevant to litigation or disciplinary actions should be disposed of no earlier than the related litigation or adverse action case file(s).]

- (3) Supervisory training to assist in identifying and addressing illegal drug use by agency employees;
- (4) Provision for self-referrals as well as supervisory referrals to treatment with maximum respect for individual confidentiality consistent with safety and security issues; and
- (5) Provision for identifying illegal drug users, including testing on a controlled and carefully monitored basis in accordance with this Order.

Sec. 3. Drug Testing Programs.

(a) The head of each Executive agency shall establish a program to test for the use of illegal drugs by employees in sensitive positions. The extent to which such employees are tested and the criteria for such testing shall be determined by the head of each agency, based upon the nature of the agency's mission and its employees' duties, the efficient use of agency resources, and the danger to the public health and safety or national security that could result from the failure of an employee adequately to discharge his or her position.

(b) The head of each Executive agency shall establish a program for voluntary employee drug testing.

(c) In addition to the testing authorized in subsections (a) and (b) of this section, the head of each Executive agency is authorized to test an employee for illegal drug use under the following circumstances:

- (1) When there is a reasonable suspicion that any employee uses illegal drugs;
 - (2) In an examination authorized by the agency regarding an accident or unsafe practice; or
 - (3) As part of or as a follow-up to counseling or rehabilitation for illegal drug use through an Employee Assistance Program.
- (d) The head of each Executive agency is authorized to test any applicant for illegal drug use.

Sec. 4. Drug Testing Procedures.

(a) Sixty days prior to the implementation of a drug testing program pursuant to this Order, agencies shall notify employees that testing for use of illegal drugs is to be conducted and that they may seek counseling and rehabilitation and inform them of the procedures for obtaining such assistance through the agency's Employee Assistance Program. Agency drug testing programs already ongoing are exempted from the 60-day notice requirement. Agencies may take action under section 3(c) of this Order without reference to the 60-day notice period.

(b) Before conducting a drug test, the agency shall inform the employee to be tested of the opportunity to submit medical documentation that may support a legitimate use for a specific drug.

(c) Drug testing programs shall contain procedures for timely submission of requests for retention of records and specimens; procedures for retesting; and procedures, consistent with applicable law, to protect the confidentiality of test results and related medical and rehabilitation records. Procedures for providing urine specimens must allow individual privacy, unless

the agency has reason to believe that a particular individual may alter or substitute the specimen to be provided.

(d) The Secretary of Health and Human Services is authorized to promulgate scientific and technical guidelines for drug testing programs, and agencies shall conduct their drug testing programs in accordance with these guidelines once promulgated.

Sec. 5. Personnel Actions.

(a) Agencies shall, in addition to any appropriate personnel actions, refer any employee who is found to use illegal drugs to an Employee Assistance Program for assessment, counseling, and referral for treatment or rehabilitation as appropriate.

(b) Agencies shall initiate action to discipline any employee who is found to use illegal drugs, *provided that* such action is not required for an employee who:

- (1) Voluntarily identifies himself as a user of illegal drugs or who volunteers for drug testing pursuant to section 3(b) of this Order, prior to being identified through other means;
- (2) Obtains counseling or rehabilitation through an Employee Assistance Program; and
- (3) Thereafter refrains from using illegal drugs.

(c) Agencies shall not allow any employee to remain on duty in a sensitive position who is found to use illegal drugs, prior to successful completion of rehabilitation through an Employee Assistance Program. However, as part of a rehabilitation or counseling program, the head of an Executive agency may, in his or her discretion, allow an employee to return to duty in a sensitive position if it is determined that this action would not pose a danger to public health or safety or the national security.

(d) Agencies shall initiate action to remove from the service any employee who is found to use illegal drugs and:

- (1) Refuses to obtain counseling or rehabilitation through an Employee Assistance Program; or
- (2) Does not thereafter refrain from using illegal drugs.

(e) The results of a drug test and information developed by the agency in the course of the drug testing of the employee may be considered in processing any adverse action against the employee or for other administrative purposes. Preliminary test results may not be used in an administrative proceeding unless they are confirmed by a second analysis of the same sample or unless the employee confirms the accuracy of the initial test by admitting the use of illegal drugs.

(f) The determination of an agency that an employee uses illegal drugs can be made on the basis of any appropriate evidence, including direct observation, a criminal conviction, administrative inquiry, or the results of an authorized testing program. Positive drug test results may be rebutted by other evidence that an employee has not used illegal drugs.

(g) Any action to discipline an employee who is using illegal drugs (including removal from the service, if appropriate) shall be taken in compliance

with otherwise applicable procedures, including the Civil Service Reform Act.

(h) Drug testing shall not be conducted pursuant to this Order for the purpose of gathering evidence for use in criminal proceedings. Agencies are not required to report to the Attorney General for investigation or prosecution any information, allegation, or evidence relating to violations of Title 21 of the United States Code received as a result of the operation of drug testing programs established pursuant to this Order.

Sec. 6. *Coordination of Agency Programs.*

(a) The Director of the Office of Personnel Management shall:

(1) Issue government-wide guidance to agencies on the implementation of the terms of this Order;

(2) Ensure that appropriate coverage for drug abuse is maintained for employees and their families under the Federal Employees Health Benefits Program;

(3) Develop a model Employee Assistance Program for Federal agencies and assist the agencies in putting programs in place;

(4) In consultation with the Secretary of Health and Human Services, develop and improve training programs for Federal supervisors and managers on illegal drug use; and

(5) In cooperation with the Secretary of Health and Human Services and heads of Executive agencies, mount an intensive drug awareness campaign throughout the Federal work force.

(b) The Attorney General shall render legal advice regarding the implementation of this Order and shall be consulted with regard to all guidelines, regulations, and policies proposed to be adopted pursuant to this Order.

(c) Nothing in this Order shall be deemed to limit the authorities of the Director of Central Intelligence under the National Security Act of 1947, as amended, or the statutory authorities of the National Security Agency or the Defense Intelligence Agency. Implementation of this Order within the Intelligence Community, as defined in Executive Order No. 12333, shall be subject to the approval of the head of the affected agency.

Sec. 7. *Definitions.*

(a) This Order applies to all agencies of the Executive Branch.

(b) For purposes of this Order, the term "agency" means an Executive agency, as defined in 5 U.S.C. 105; the Uniformed Services, as defined in 5 U.S.C. 2101(3) (but excluding the armed forces as defined by 5 U.S.C. 2101(2)); or any other employing unit or authority of the Federal government, except the United States Postal Service, the Postal Rate Commission, and employing units or authorities in the Judicial and Legislative Branches.

(c) For purposes of this Order, the term "illegal drugs" means a controlled substance included in Schedule I or II, as defined by section 802(6) of Title 21 of the United States Code, the possession of which is unlawful under chapter 13 of that Title. The term "illegal drugs" does not mean the use of a controlled substance pursuant to a valid prescription or other uses authorized by law.

(d) For purposes of this Order, the term "employee in a sensitive position" refers to:

(1) An employee in a position that an agency head designates Special Sensitive, Critical-Sensitive, or Noncritical-Sensitive under Chapter 731 of the Federal Personnel Manual or an employee in a position that an agency head designates as sensitive in accordance with Executive Order No. 10450, as amended;

(2) An employee who has been granted access to classified information or may be granted access to classified information pursuant to a determination of trustworthiness by an agency head under Section 4 of Executive Order No. 12356;

(3) Individuals serving under Presidential appointments;

(4) Law enforcement officers as defined in 5 U.S.C. 8331(20); and

(5) Other positions that the agency head determines involve law enforcement, national security, the protection of life and property, public health or safety, or other functions requiring a high degree of trust and confidence.

(e) For purposes of this Order, the term "employee" means all persons appointed in the Civil Service as described in 5 U.S.C. 2105 (but excluding persons appointed in the armed services as defined in 5 U.S.C. 2102(2)).

(f) For purposes of this Order, the term "Employee Assistance Program" means agency-based counseling programs that offer assessment, short-term counseling, and referral services to employees for a wide range of drug, alcohol, and mental health programs that affect employee job performance. Employee Assistance Programs are responsible for referring drug-using employees for rehabilitation and for monitoring employees' progress while in treatment.

Sec. 8. *Effective Date.* This Order is effective immediately.

RONALD REAGAN

THE WHITE HOUSE,
September 15, 1986.

Editorial note: For the President's remarks of September 15 on signing Executive Order 12564 and the text of a message to Congress transmitting proposed legislation, also dated Sept 15, 1986, see the *Weekly Compilation of Presidential Documents* (vol 22, pp 1188 and 1192)

Executive Order 12565 of September 25, 1986

Prescribing a Comprehensive System of Financial Reporting for Officers and Employees in the Executive Branch

By the authority vested in me as President by the Constitution and statutes of the United States of America, including section 7301(a) of title 5 of the United States Code, and section 207(a) of title 5 of the United States Code

(I) the Veterans' Administration; except that such term does not include the Department of Transportation or any other entity (or component thereof) covered by subsection (b).

(3) Notwithstanding any provision of chapter 5 of title 5, United States Code, the mandatory guidelines to be published pursuant to subsection (a)(1)(A)(ii) shall be published and made effective exclusively according to the provisions of this paragraph. Notice of the mandatory guidelines proposed by the Secretary of Health and Human Services shall be published in the Federal Register, and interested persons shall be given not less than 60 days to submit written comments on the proposed mandatory guidelines. Following review and consideration of written comments, final mandatory guidelines shall be published in the Federal Register and shall become effective upon publication.

(b)(1) Nothing in subsection (a) shall limit or otherwise affect the availability of funds for drug testing by—

(A) the Department of Transportation;

(B) Department of Energy, for employees specifically involved in the handling of nuclear weapons or nuclear materials;

(C) any agency with an agency-wide drug-testing program in existence as of September 15, 1986; or

(D) any component of an agency if such component had a drug-testing program in existence as of September 15, 1986.

(2) The Departments of Transportation and Energy and any agency or component thereof with a drug-testing program in existence as of September 15, 1986—

(A) shall be brought into full compliance with Executive Order Numbered 12564 no later than the end of the 6-month period beginning on the date of the enactment of this Act; and

(B) shall take such actions as may be necessary to ensure that their respective drug-testing programs or plans are brought into full compliance with the mandatory guidelines published under subsection (a)(1)(A)(ii) no later than 90 days after such mandatory guidelines take effect, except that any judicial challenge that affects such guidelines should not affect drug-testing programs or plans subject to this paragraph.

(c) In the case of an agency (or component thereof) other than an agency as defined by subsection (a)(2) or an agency (or component thereof) covered by subsection (b), none of the funds appropriated or made available by this Act, or any other Act, with respect to any fiscal year, shall be available to administer or implement any drug testing pursuant to Executive Order Numbered 12564, or any subsequent order, unless and until—

(1) the Secretary of Health and Human Services provides written certification with respect to that agency (or component) in accordance with clauses (i) and (iii) of subsection (a)(1)(A).

(2) the Secretary of Health and Human Services has submitted a written, detailed analysis with respect to that agency (or component) in accordance with subsection (a)(1)(B); and

(3) the Director of the Office of Management and Budget has submitted a written, detailed analysis with respect to that agency (or component) in accordance with subsection (a)(1)(C).

(d) Any Federal employee who is the subject of a drug test under any program or plan shall, upon written request, have access to—

(1) any records relating to such employee's drug test; and

(2) any records relating to such employee's drug test, or referred to in subsection (e).

(e) The results of a drug test shall not be disclosed without the prior written consent of the employee whose disclosure would be—

(1) to the employee's supervisor, or to any other person who is a scientific and technical expert; or

(2) to the administrator of the drug testing program, or to any other person who is otherwise participating in the drug testing program.

(3) to any supervisor or other person who is an employee's agency head, or to any other person who is an action against such employee.

(4) pursuant to the requirements of the drug testing program, where required by the drug testing program, against any challenger.

(f) Each agency covered by this section shall submit to the Committee on Government Operations and the Secretary of the Senate, the Congress, an annual report on the drug testing program conducted by such agency. Such annual report shall be submitted with the budget submission to the President and the United States Code.

(g) For purposes of this section, "Employee Assistance Program" means a program established under section 7(b) of the Drug-Free Workplace Act of 1986, which takes effect on September 15, 1987.

SEC. 504. None of the funds appropriated or made available for the central office of the Customs Service Act of 1986 shall be available to the Treasury to submit a request for a rule which sets forth specific requirements for the implementation of such program.

SEC. 505. None of the funds appropriated or made available for the Secretary of Transportation for the purposes of administering the Drug-Free Workplace Act of 1986 (46 U.S.C. 1101) shall be available to the Department of Transportation to promulgate, or to regulate, or to enforce, the rule promulgated by Order of the U.S. Department of Transportation, January 16, 1987, concerning the drug testing program, or to take any judicial action with respect to the drug testing program, or to the differential subsidy for the drug testing program, or to the restrictions in section 504 of the Drug-Free Workplace Act of 1986, as amended. *Provided*, That the expenditure relates to a program authorized by the hereafter enacted by Congress.

SEC. 506. Notwithstanding any other provision of law, appropriations made by title 5, United States Code, shall be as follows:

Federal Register, publication 5 USC 500 et seq

3 CFR, 1986 Comp., p 224

