DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
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WASHINGTON, DC 20350-3000

MCO 12792.1A
MPC-40
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Marine Corps Order 12792.1A

From: Commandant of the Marine Corps
To: Distribution List

Subj: DRUG-FREE WORKPLACE PROGRAM (DFWP) FOR CIVILIAN EMPLOYEES

Ref: (a) Department of the Navy Civilian Human Resources Manual (DON CHRM) Subchapter 792.3
(b) MCO P12000.11A
(c) 5 U.S.C. 71

1. Situation. To implement the Department of the Navy (DON) policy on the DFWP as set forth in references (a) through (c).

2. Cancellation. MCO 12792.1.

3. Mission. This Order applies to all Marine Corps appropriated and non-appropriated fund (NAF) civilian employees and applicants tentatively selected for employment. Testing of foreign national employees stationed outside the United States may be conducted only as authorized by and consistent with inter-governmental and labor agreements negotiated on a country-by-country basis.

4. Execution

a. Commander's Intent and Concept of Operations

(1) Commander's Intent

(a) The Marine Corps will not tolerate the possession, use, or distribution of illegal drugs and is committed to the eradication of them from the workplace. A drug-free environment is essential to mission accomplishment. The use of illegal drugs, or unlawful use of prescription drugs, undermines the quality of job performance, endangers the safety of others, and brings discredit to the Marine Corps.

(b) Reference (a) sets forth the DON policy and responsibilities for DFWP implementation, establishes a goal of achieving a drug-free workplace, and makes it a condition of employment for all federal employees to refrain from using illegal drugs on or off duty.

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(2) Concept of Operations. An employee found to use illegal drugs must be referred to the Civilian Employee Assistance Program (CEAP). Disciplinary action will be initiated against any employee for the first instance of illegal drug use. However, an employee who voluntarily seeks treatment for illegal drug use and meets the "Safe Harbor" conditions will not be subject to discipline or removal for the admitted acts of illegal drug use. "Safe Harbor" will not be granted to drug dealers or those involved in other drug-related misconduct.

b. Subordinate Element Missions

(1) All Marine Corps activity heads/commanders will:

(a) Appoint an activity primary and alternate Drug Program Coordinator (DPC) in writing. The primary or alternate DPCs should not be an employee located in the security or labor/employee relations offices who are involved on a day-to-day basis with the processing of discipline/performance cases. The representative must be a Civilian Marine.

(b) Appoint in writing the Director or Assistant Chief of Staff for Marine Corps Community Services (MCCS) for NAF employees to facilitate its DFWP program. The MCCS Director has the same appointment authority as in paragraph (a) above.

(c) Retain the authority, however to return a rehabilitated employee to a testing designated position (TDP) in cases possibly affecting national security.

(d) Review the Testing Designated Position (TDP) for non-bargaining unit employees, and make final decisions in any grievance proceedings.

(e) Designate the MCCS Director the authority to take appropriate disciplinary action, and render decisions in cases, which involve NAF employees. The only exception is if those made could possibly affect national security.

(f) Ensure mandatory DFWP training is provided to all supervisors and managers. Ensure that prior to implementation of the activity/command DFWP, the primary DPC attends mandatory DON DPC training. Alternates, if appointed, will also attend the mandatory DON DPC training prior to becoming involved in the DFWP.

(g) Issue a directive implementing the DFWP in conformance with the references. The directive will include procedures for employees to volunteer for the random drug testing program.

(h) Ensure the provisions of the DFWP are publicized to all employees including drug awareness, the hazards of illegal

drug use, the Civilian Employee Assistance Program (CEAP), and "Safe Harbor" provisions.

(i) Ensure necessary disciplinary action is taken following the provisions of references (a) for appropriated fund employees, and reference (b) for NAF employees.

(j) Ensure DPCs use the DON authorized DFWP computer system for maintaining a database of the TDP pool, performing random selection, and receiving test results.

(k) Ensure Collection Site Coordinators (CSCs) are appointed, if necessary. A collector with the urine collection contract normally provides these services. In unusual circumstances, a DPC or military designee may be used to perform this assignment. Use of the DON urine collection contract for collection services is mandatory.

(l) Ensure an employee found to use illegal drugs is immediately taken out of the TDP. The employee may be returned to the position as part of a counseling or rehabilitation program if the activity head/commander determines that such action will not endanger public safety or national security.

(m) Provide signed notices to employees in TDPs at least 30-days prior to the individual being subject to unannounced random testing. This notice is provided in reference (a), and must be issued without major revisions.

(2) Additions/Deletions to the TDP List. All requests for additions and/or deletions to the TDP list must be submitted to the Commandant of the Marine Corps (MPC-40). Requests which are not properly justified or fail to meet the selection criteria set forth in Appendix (d) of reference (a) will be returned for proper justification or denied. Properly justified requests will be forwarded to the Secretary of the Navy for approval.

(3) Bargaining Obligation. Any impact and implementation bargaining obligation must be satisfied as required by reference (c), before implementing the DFWP for positions in exclusively recognized bargaining units. The CMC (MPC-40) has the responsibility for discharging the bargaining obligation for positions within the consolidated bargaining unit.

(4) Reporting Requirements. All reports required by reference (a) will be submitted to CMC (MPC-40). Activity heads/commanders will be advised of the reporting due date.

(5) Records Retention. Records and reports generated as a result of implementing this Order will be retained for a period of three (3) years and destroyed. Positive drug or non-negative drug test records are not authorized for disposal.

(6) Action. Activity heads/commanders will implement the DFWP per the provisions of references (a) through (c) and this Order immediately upon receipt.

5. Administration and Logistics. Recommendations concerning the contents of this Order may be forwarded to Employee Relations, MPC-40 via the appropriate chain-of-command. The point of contact for the DFWP is Employee Relations, MPC-40, commercial (703) 784-9382 or DSN 278-9382.

6. Command and Signal

a. Command. This Order is applicable to the Marine Corps Total Force.

b. Signal. This Order is effective the date signed.

M. F. APPLEGATE
By direction

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