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GUIDELINES FOR THE FORMULATION AND IMPLEMENTATION OF A DRUG-FREE WORKPLACE PROGRAM AND THE CONDUCT OF AUTHORIZED DRUG TESTING BY ALL OFFICES, BUREAUS, AND AGENCIES OF THE NATION...

DDB BOARD REGULATION NO. 2, March 26, 2004

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Pursuant to the powers vested in it under Section 77, Article IX of RA 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002 in relation to Section 16, Art. II and Section 48, Art. V of the same Act, the Dangerous Drugs Board (DDB) hereby prescribe the following guidelines for the formulation and implementation of a drug-free workplace program and the conduct of authorized drug testing for offices, bureaus and agencies of the national and local governments, government owned and controlled corporations and other institutes of learning including state colleges and universities.

SECTION 1. Guidelines in the Formulation of a Drug Abuse Policy in the Workplace and the Conduct of Authorized Drug Testing - Every agency/office shall adopt its own drug abuse policy in the workplace, which shall serve as a legal document that communicates the organization's position in the use of illegal drugs as well as outlining the responsibilities of the employer, the employees and the employees' unions. The policy must be developed through a process where consensus is achieved regarding its contents.

GUIDELINES IN THE FORMULATION OF POLICY

1. Creation of a Drug-Free Workplace Committee or Assessment Committee - Every government agency is enjoined to immediately establish a Drug-Free Workplace Committee or Assessment Committee which shall be composed of the following:

a. Head of Office or Representative

b. Representative of the Employees' Union / Association

c. Head of the Personnel Department or Representative

d. Head of the Medical Department or Representative

The Committee shall undertake the following duties and responsibilities:

1. To oversee the formulation and implementation of the drug abuse policy in the agency

2. Initiate training programs for supervisors

3. Initiate continuing education and awareness program for the employees

4. Initiate and adopt value formation, family enhancement and such other related and relevant programs

2. Content - To make a drug-free workplace policy effective and more sustainable, it must contain, among others, the following:

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a. Title

b. Purpose - The primary purpose of the policy must be clearly stated. It must relate to the maintenance of safe and healthy work environment free from use of dangerous drugs

c. Reference - RA 9165

d. Policy Statement - The statement of the office in recognizing the threat posed by drug abuse in the community of employers and employees. This may include, among others, decreased productivity, increased accidents, absenteeism, lapses in the performance of assigned task, criminality, etc. and thereby, absolutely prohibits the use of dangerous drugs in and outside the office by all officials and employees.

e. Scope/Coverage - Every adopted drug abuse policy in the workplace must be applicable to all employees in the office or agency without distinction as to rank, status or salaries.

f. Definition of Terms

- Policy - a definite course or method of action from among alternatives and in the light of given conditions to guide and usually determine decisions to be made.

- Workplace - a place where work is usually performed.

- Authorized Drug Test - The testing done by any government forensic laboratories or by any of the drug testing laboratories accredited and monitored by the DOH to safeguard the quality of test results. It shall employ, among others, two (2) testing methods, the screening and confirmatory tests. The examination of a person's urine specimen to determine the presence of dangerous drugs shall be done by any government forensic laboratories or by any of the drug testing laboratories accredited and monitored by the DOH;

- Center - Any of the treatment and rehabilitation centers which undertake treatment, aftercare and follow-up treatment of drug dependents. It includes institutions, agencies and the like whose purposes are: the development of skills, arts and technical know-how, counseling and/or inculcating civic, social and moral values to drug dependent patients, with the aim of weaning them away from dangerous drugs and keeping them drug-free, adapted to their families and peers and readjusted into the community as law abiding, useful and productive citizens;

- Rehabilitation - A dynamic process including aftercare and follow-up treatment directed towards the physical, emotional/psychological, vocational, social and spiritual change of a drug dependent to enable him/her to live without dangerous drugs, enjoy the fullest life compatible with his capabilities and potentials and render him/her able to become a law abiding and productive member of the community;

- Treatment - Medical service rendered to a patient for the effective management of physical and mental conditions arising from his/her drug use;

- Confirmatory Drug Test - An analytical test using a device, tool or equipment with a different chemical or physical principle that is more specific which will validate and confirm the result of the screening test. It refers to the second or further analytical procedure to more accurately determine the presence of dangerous drugs in a specimen, which shall likewise be done by any government laboratory or by privately owned and operated drug testing laboratories accredited and monitored by the DOH having confirmatory test capabilities;

- Dangerous Drugs - Include those listed in the Schedules annexed to the 1991 Single Convention on Narcotic Drugs, as amended by the 1972 Protocol and in the Schedules annexed to the 1971 Single Convention on Psychotropic Substances as enumerated in the attached annex which is an integral part of RA 9165;

- Drug Test Certificate - A declaration/statement of the result of the drug test issued by accredited drug testing centers. It shall be valid for a one-year period from the date of issue and which may be used for other purposes,

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as referred to in Section 36, Article III of the Act;

- Employee Assistance Program or EAP - A program that offers assistance to workers who have problems, primarily alcohol and drug related, that may affect job performance. It shall be formulated as much as possible, jointly by the employer and the employees or employees' union;

- "For Cause" or " Probable Cause" Drug Test - Drug testing required when there is a "probable cause" or "reasonable ground" to believe that a person is using or is under the influence of dangerous drugs;

- Mandatory Drug Test - Compulsory submission of an employee for drug testing as required by RA 9165 and by the agency's internal rules and regulations;

- Random Drug Test - Subjection of personnel for drug testing as selected following no specific pattern and without prior notice/information;

- Screening Drug Test - A rapid drug test performed to establish potential or presumptive positive result. It refers to the immunoassay test to eliminate a "negative" specimen, i.e. one without the presence of dangerous drugs, from further consideration and to identify the presumptively positive specimen that requires confirmatory test.

- Drug Dependence - Refers to a cluster of physiological, behavioral and cognitive phenomena of variable intensity, in which the use of psychoactive drug takes on a high priority thereby involving, among others, a strong desire or a sense of compulsion to take the substance and the difficulties in controlling substance-taking behavior in terms of its onset, termination, or level of use;

- Administer - Any act of introducing any dangerous drugs into the body of any person, with or without his/her knowledge, by injection, inhalation, ingestion or other means or of committing any act of indispensable assistance to a person in administering a dangerous drug to himself/herself unless administered by a duly licensed practitioner for purposes of medication.

- Unlawful Acts - Refer to any of the unlawful acts penalized under Art. II of RA 9165.

- RA 9165 - Refers to the Comprehensive Dangerous Drugs Act of 2002.

g. Responsibilities of the Office/Agency under the Policy

- Adopt a continuing and sustainable substance abuse awareness program to inform its employees about:

- Its policy of maintaining a drug-free workplace

- The dangers posed by the abuse of dangerous drugs

- The availability of employees assistance program

- The consequences, penalties, and administrative sanctions in violation thereof

- Distribute a copy of the Policy to each employees

- Create a Committee that will implement, to the fullest, the contents of the Policy

- To display a Bill Board at a strategic place in the office with the message:

" This is a Drug Free Workplace. Let's Keep it That Way"

h. Responsibilities of the Employees and the Officials of the Office/Agency

- Any government employee must never possess and/or use dangerous drugs and other substances of abuse.

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- Any government employee must not directly or indirectly sell, give, provide or administer any dangerous drugs and/or other substance of abuse to his/her co-employees or others and/or to commit or abet/aid in the commission of any unlawful acts penalized under RA 9165.

- The officials and employees must faithfully abide by the terms of the Policy as a condition for continued employment.

- The employees must voluntarily seek treatment and rehabilitation if they have problems related to dangerous drugs.

- To advocate against drug abuse

- To help maintain a drug free workplace

GUIDELINES IN THE CONDUCT OF THE AUTHORIZED DRUG TEST

The Drug-Free Workplace Committee or Assessment Committee shall formulate and put in place the Office's/Agency's Drug Testing Program which shall be in accordance with the pertinent provisions of RA 9165. The program must be made known to all employees and officers stressing the fact that the purpose is not to harass but rather to prevent the entry of illegal drugs and the abuse thereof in the Office/Agency.

The Drug Testing Program shall include, among others,:

- The rationale behind the conduct of either mandatory or random drug test, which is to help promote a safe and healthy drug-free environment as well as to prevent drug abuse in the workplace.

- The kind of authorized drug tests which are:

a. Screening Test
b. Confirmatory Test

- Coverage - All officials and employees must be covered regardless of status or position in the office/agency.

- When to conduct mandatory drug test:

- Pre-employment

- Persons in high-risk/decision-making positions

- Past history of drug use

- Involvement in accidents

- Discovery of dangerous drugs paraphernalia

- Detention by police/filing of charge in court for drug-related cases

- As a requirement for promotion

- Employees reporting to work after undergoing rehabilitation in a treatment and rehabilitation center

- Conduct of random drug test

- Without prior notice of the date and venue of the drug test

- On selected employees chosen by the Drug-Free Workplace or Assessment Committee until all officials and employees have undergone the test

- Random selection process or procedure

- "For cause" or "probable cause" - when there is a reasonable ground to believe that a random drug test is necessary, e.g.:

- Attendance - frequent unauthorized absences, repeated tardiness, truancy from the job.

- Personal Appearance - slurred speech, bloodshot eyes, drastic change in appearance, etc.

- Mental Factor - hot-headedness, irritability, increased difficulty in handling assignments, etc.

- General Performance - missed deadlines, low productivity, increased wastage, public complaints, frequent accidents, carelessness, etc.

- Peer Relations - isolation, frequent quarrels with officemates, heavy borrowing, frequent mood swings, etc.

- Procedure of the Conduct of the Random Drug Test in the Workplace

- The Drug-Free Workplace or Assessment Committee will notify the randomly selected officials or employees to go for a urine test to the security department, office or agency doctor, nurse, etc. who in turn, will accompany them to the place where the test will be conducted.

- The selected officials/employees must immediately report for the drug test.

- The test shall only be conducted by any government Drug Testing Laboratory or by any drug-testing laboratory duly authorized and accredited by the DOH for the screening test, which shall be conducted in the following manner:

- The selected officials/employees will fill up and sign the consent and chain of custody form issued to them.

- The urine specimen bottles must be properly labeled to contain the name, ID number, employment number, position, date and the time when the urine sample was taken.

- The taking of the urine sample must be done in an area where manipulation (e.g. adding water) is not possible.

- The urine specimen/sample which tested positive after the screening test must be properly labeled and must be kept separately from the samples that tested negative for dangerous drugs.

- All urine samples tested positive must be submitted for confirmatory testing to a laboratory having the confirmatory capability using the same urine sample.

- After the confirmatory test, the same urine sample must be kept for the purpose of challenging the result.

- After the test is conducted, a drug test result shall be issued by the drug testing laboratory directly to the Head of the office or agency and not to the person so tested. The same result must be signed by the authorized signatory of the laboratory, the employee/officials concerned and a witness.

d. No further action is needed when the result is negative. The Drug Test Certificate is good for one (1) year and could be used for other purposes.

- Procedure in handling a positive result after Confirmatory Test

- Upon discovery that a urine sample is tested positive for dangerous drugs after confirmatory test, such result shall immediately be made known to the Committee or Assessment Chairman or to the Head of the office/agency or to any person designated by the said office/agency who requested the test.

- After receipt of such information, the same shall be made known to the employee/official.

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- The office/agency shall then take the appropriate action in accordance with their Drug-Free Workplace Policy.

- All records must strictly be held confidential as provided for under the pertinent provisions of RA 9165.

- Monitoring

All agencies/offices shall submit to the Dangerous Drugs Board a yearly compliance report on the drug testing activities conducted on their personnel. The data would include the number of personnel who have already undergone testing, the dates and the names of drug testing laboratories that conducted the test.

- Issuance of Certificate after under going Rehabilitation Program

- Confidentiality of records

- All results of the drug test conducted by the Agency/Office shall remain strictly confidential.

- Government officials, employees and/or any person who intentionally or unintentionally breach the confidentiality of any drug test result shall be charged in accordance with Section 72 of RA 9165.

- Funding/Cost Requirements

The cost of the drug testing for government officials and employees shall be funded by the agency/office concerned and for this purpose, must be part of their yearly budgetary appropriation.

- Effectivity

This Policy shall take effect immediately after signing.

- Confirmation/Affirmation and Commitment to the Policy

As an official/employee of _____, I hereby certify that I have read the Drug Abuse Policy in the Workplace and affirm and confirm my commitment to unconditionally abide to all that is provided therein and I shall be answerable to the office/agency for whatever violation that I may commit.

_____ _____
Name & Signature of Official/Employee Date

Attested by:

_____
Name

_____
Designation

Section II. Sanctions

- The Head of any office, bureau and agency of the national and local government, government-owned and controlled corporations including state colleges, universities, to include its Officials or Heads of office and employees thereof, who fail to abide by this Regulation shall be penalized with the sanctions embodied in Section 32, Article II of RA 9165.

- Subject to the provisions of Section 15, Art. II of RA 9165 (Use of dangerous drugs) in conjunction with Section 54 (Voluntary submission of a drug dependent to confinement, treatment and rehabilitation) and Section 61 (Compulsory confinement of a drug dependent who refuses to apply under the voluntary program)

of the same Act, without prejudice to the agency's or office's Employees Assistance Program, any officer or employee found to have violated the Policy may suffer any or a combination of the following sanctions:

- Failure on the part of the Head of the office to implement this Regulations within a reasonable period after its effectivity shall be dealt with in accordance with Section 32, Article II of RA 9165.

- Any government official/employee who, without any valid reason after being tested positive of drug use shall refuse to undergo the recommended rehabilitation program will be administratively dealt with in accordance with the existing agency or office rules and regulations without prejudice to suspension or dismissal from the service as provided for under Section 36 (d) of RA 9165.

- Any government official/employee who refuses, without any valid reason, to submit himself/herself for random/mandatory drug test, whichever is applicable, will be administratively dealt with in accordance with the existing office/agency rules and regulations without prejudice to Section 32 of RA 9165.

- Subject to the existing Employees' Assistance Program, any government official/employee who is found to be positive for drug use and after undergoing a Drug Dependency Examination conducted by the DOH or by any medical practitioner accredited by the said Office to conduct the drug dependency test may undergo the following treatment and rehabilitation program:

- Experimenter - Outpatient, guidance counseling

- Occasional User - Outpatient, guidance counseling and urine surveillance

- Chronic User/Drug Dependent - Mandatory 6-month treatment and rehabilitation in any of the government rehabilitation centers

- Officers or employees who for the second time have been detected to be using dangerous drugs after completion of his/her treatment and/or rehabilitation program or while undergoing treatment and/or rehabilitation may either be suspended or dismissed from the service subject to the Civil Service Laws, Rules and Regulations.

- Employees who are found arrested/apprehended or charged in court for commission of any of the unlawful acts provided for under Art. II of RA 9165 will either be suspended/dismissed from the service depending on the gravity of the offense committed, subject to existing Laws, Rules and Regulations of the Civil Service, without prejudice to criminal prosecution.

Section III. Effectivity

This Regulation shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation and upon registration with the Office of the National Administrative Register of the UP Law Center.

Adopted: 26 March 2004

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