



Philippine Economic Zone Authority

MEMORANDUM ORDER: 2017-010
Series of 2017

TO : All PEZA Officials and Employees
SUBJECT : PEZA's Drug-Free Workplace Program Manual
DATE : 10 July 2017

The Civil Service Commission (CSC) has issued Memorandum Circular 2017-13 also known as the "Guidelines in the Mandatory Random Drug Test for Public Officials and Employees and for Other Purposes". In support of the Comprehensive Dangerous Drugs Act of 2002 (RA 9165) and to align with the aforementioned CSC policy on drug-testing, please be guided by the PEZA Drug-Free Workplace Program Manual. The manual is provided as **Annex A**.

The Drug-Free Workplace Committee, chaired by DDG Yusingco, is coordinating with the Department of Health (DOH) for the conduct of drug-testing in our workplace. The manual serves as our guide in the procedure for drug-testing as well as establishing the administrative procedures for handling employees who will be in violation of RA 9165 and the aforementioned CSC policy.

For the information and guidance of all concerned.


BGen CHARITO B. PLAZA MNSA, Rhd
Director General

PEZA - DTS



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1) POLICY STATEMENT

PEZA is committed to attain and uphold a drug-free workplace in support of the Comprehensive Dangerous Drugs Act of 2002. To do this, we will implement a sustainable drug-free workplace program that will include the following:

- Drug testing of all employees regardless of rank;
- Information education campaign on the dangers of misuse of drugs and preventive measures against drug abuse; and,
- Maintain health and well-being programs to encourage employees to lead a healthy lifestyle.

2) REFERENCES

- a) CSC Memorandum Circular 2010-13 also known as the Guidelines for a Drug-Free Workplace in the Bureaucracy;
- b) CSC Memorandum Circular 2017-13 also known as the Guidelines in the Mandatory Random Drug Test for Public Officials and Employees and for Other Purposes;
- c) DDB Board Regulation 2004-02 also known as 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 National and Local Governments, Government-Owned and Controlled Corporations and Other Institutes of Learning Including State Colleges and Universities;
- d) DOH Administrative Order 200 9-23 also known as the Guidelines on the Institutionalization of a Drug-Free Workplace Program in the Department of Health and other Government Agencies;
- e) PDEA Memorandum Circular 2014-04 also known as Implementing Guidelines in the Institutionalization of a Drug-Free Workplace Policy in the Philippine Drug Enforcement Agency; and,
- f) RA 9165 also known as the Comprehensive Dangerous Drugs Act of 2002.

3) SCOPE

The PEZA Drug-Free Workplace Program shall cover all employees of PEZA in the head office and the economic zones nationwide. Contract of service and job order employees shall have a drug use policy clause in their respective contract or service agreements.

4) DEFINITION OF TERMS

- a) Challenge Test – A drug test conducted as a result of a challenge filed by an employee who tested positive for drug use in a confirmatory test;
- b) Chronic User / Drug Dependent – a person identified for using drugs / other substances (mind altering or not) without medical need, in an amount large enough over a period long enough to threaten the quality of life or health and safety of the user or others;
- c) Committee – Refers to the PEZA Drug Free Workplace Committee;

- d) Confirmatory 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 results of the screening test;
- e) Dangerous Drugs – Include those identified and listed in RA 9165 and its annexes, subject to any reclassification, addition or removal of any drug from said list by the Dangerous Drugs Board (DDB);
- f) Drug Dependency Examination – refers to the examination conducted by an accredited physician to evaluate the extent of drug abuse of a person and to determine whether he/she is a drug dependent or not;
- g) Drug Test – the process undertaken to determine the presence of dangerous drugs in a person's system, to include both screening test and confirmatory test;
- h) Drug Test Certificate – A statement of the result of the drug test issued by PEZA's Human Resources (HR) Department. It shall be valid for a one-year period from the date of issue;
- i) Experimenter – A person whose drug use began through exploration with limited exposure and no development of regular use or any related harm;
- j) "For Cause" 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;
- k) Occasional User – A person who indulges in drug use to create or enhance experience in any social setting;
- l) Random Testing – A method of testing where the selection process results in equal probability that any employee from a group of employees will be tested, and without any prior notice of the date and venue; and,
- m) Screening Test – A rapid drug test performed to establish potential or presumptive positive result.

5) DRUG FREE WORKPLACE COMMITTEE

a) Composition

Chair, Deputy Director General for Finance and Administration;
Vice- Chair, Group Manager for Policy and Planning;
Member, Group Manager for Personnel and Administrative Services;
Member, Department Manager for Human Resources;
Member, Head or Representative from Legal Affairs Group;
Member, Company Doctor;
Member, Company Nurse;
Member, Representative from Environmental Safety Group; and,
Secretariat, Representative from Human Resources Department

b) Responsibilities

- i) Formulate and implement a program for drug testing of all employees regardless of rank;
- ii) Initiate continuing education and awareness campaign so as to make employees aware of the ill effects of drug abuse to include consequences, penalties and administrative sanctions of those found to be in violation of PEZA's drug-free workplace policy;
- iii) Review and act on requests submitted by unit heads to authorize the conduct of drug tests of employees due to "probable cause";
- iv) Endorse to PEZA Board of Inquiry, Investigation and Discipline (BIID) for appropriate investigation and/or legal action the names of employees who did not conform with the requirements of PEZA's Drug-Free Workplace Program and thus, may have administrative liability; and,
- v) Annually report the progress of PEZA's drug-free workplace program to the DOH Office for Special Concerns and the DDB;

6) GENERAL GUIDELINES

- a) The conduct of drug test shall be mandatory for pre-employment to PEZA and promotion of personnel, and such test shall be coordinated by the HR Department.
- b) Random drug test shall be conducted on all PEZA personnel regardless of rank. This shall be done once a year and shall be subject to the scheduled program of the Committee in coordination with the Department of Health (DOH) or its accredited laboratories. The names of the participants to the drug test shall be picked according to widely accepted random sampling procedure.
- c) Urine samples will be collected and properly labeled during the drug test. Urine specimen bottles will be provided and this will be accompanied by a Chain of Custody Form indicating the name, ID number, date and time when the urine sample was taken.
- d) There are two types of tests: screening tests and confirmatory tests. Only urine samples that are tested positive during screening tests shall be subjected to confirmatory tests.
- e) Confirmed positive test result of new applicants and existing personnel to be promoted shall be a ground for disqualification.
- f) Justifiable reasons for being absent from the random drug test shall be limited to scheduled leave of absences, sick or emergency leave or official business outside PEZA premises from 8am to 5pm or official travel for one or more days.
- g) Any employee who fails to submit to the random drug test as scheduled shall submit an explanation letter to the Committee Chair within twenty-four (24) hours from date of sampling.
- h) If an employee is taking dangerous drugs as medication, he or she shall inform the Committee Chair in writing and shall provide a copy of medical certificate or medical record for verification.

- i) The HR Department will include a module on "Drug-Free Workplace" during orientation of new employees.
- j) Employees who tested negative shall be issued a Drug Test Certificate by the HR Department, this certificate is valid for one (1) year. A copy of the certificate, including the results of the drug test will be included in the 201 file of each employee.

7) PROCEDURE ON THE CONDUCT OF RANDOM TESTING

- a) The Committee, with the assistance of the HR Department, shall randomly select employees for drug testing, HR will inform the concerned employee on the date of testing and shall keep track of attendance.
- b) Employees who are summoned to participate in the drug testing shall accomplish the Custody and Control Form (CF).
- c) A specimen container shall be provided for each employee. The container shall be properly labeled with the name, signature of the employee, date of collection and the assigned code.
- d) The designated area for the collection of urine samples shall conform with the following standards:
 - i) The toilet facilities shall be a secure area where only authorized personnel are allowed during testing.
 - ii) Detailed description of the standard procedure for collection of urine sample shall be posted at the collection area.
 - iii) All water sources shall be sealed to prevent tampering or dilution of urine samples. Water in toilet bowls shall be dyed blue.
 - iv) The collection site shall be free from cleaning agents, bleach and other chemicals that may be used to tamper the urine sample.
- e) The sample shall be saved for fifteen (15) days in case an employee who tested positive will request for a challenge test.
- f) The employee shall then sign the logbook with the corresponding ID number of the drug test code.
- g) The Committee shall document the entire procedure from specimen collection, sample handling, results of the analysis and maintain similar records which are relevant to establishing the integrity of the sampling.

8) PROCEDURE ON THE CONDUCT OF "FOR CAUSE" TESTING

- a) Any PEZA official or employee may write to the Committee to conduct a "For Cause" testing of personnel who is exhibiting signs related to drug use through presence of drugs or paraphernalia in the personnel's custody; unusual conduct of the personnel that may indicate physical or mental impairment that may be due to drug abuse; and / or unexplained and excessive absences or tardiness.
- b) The Committee with the recommendation of the Company Nurse and/or Company Doctor shall review the merits of the case and provide a response to the requestor / petitioner within fifteen (15) working days from receipt of the request for "For Cause" testing.
- c) If the request for "For Cause" testing is approved by the Committee, a written notice shall be issued by HR to the personnel. A designated Committee member shall accompany the personnel to the authorized drug test center on the same day the written notice is issued.
- d) If the screening test yields a positive result, the same sample shall be submitted to the authorized drug test center for the confirmatory test.

9) POSITIVE TEST RESULTS DURING RANDOM OR "FOR CAUSE" TESTING

- a) Once the Committee receives the result of the screening tests and there are samples that tested positive, the following steps shall be taken:
 - i) The same urine sample shall be subjected to confirmatory test through the same accredited DOH laboratory;
 - ii) If an employee is tested positive for dangerous drugs after confirmatory test, the employee, his/her supervisor, the Committee Chair and the Director General will be immediately informed about the result.
 - iii) The employee may write to the Committee to request approval to conduct a challenge test within fifteen (15) days from receipt of result. The cost of this test shall be borne by the employee.
 - iv) Even if confirmed positive, the employee may still report to work and may be assigned by his / her supervisor to low risk duties pending the conduct and result of the Drug Dependency Examination.
 - v) Once the result of the Drug Dependency Examination is available, the employee shall be formally notified by the Committee to undergo at his / her own expense, the appropriate medical intervention.
- b) Within fifteen (15) days from receipt of the Drug Dependency Examination result, the employee shall be subjected to the following interventions:
 - i) Experimenter – outpatient guidance counselling for six (6) months;
 - ii) Occasional user – outpatient guidance counselling for six (6) months and regular monthly drug testing; or,
 - iii) Chronic user / Drug dependent – mandatory continuous treatment and rehabilitation for a minimum period of six (6) months in a government or government-approved rehabilitation center.

- c) The cost of counselling, further drug testing or rehabilitation shall be borne by the employee. Time spent for undergoing the appropriate medical intervention shall be charge against accrued leave credits. If all leave credits are exhausted, absence shall be on leave without pay.
- d) After successful completion of the intervention program, the employee shall secure a certificate of completion from the guidance counselor for experimenter / occasional user or from the attending physician for chronic user / drug dependent. The latter will use the certificate as clearance to be allowed to go back to work. The experimenter / occasional user may use the certificate to lodge an appeal to undertake the usual assignment if assigned to low risk tasks.

10) INFORMATION EDUCATION CAMPAIGN

- a) The HR shall facilitate the conduct of orientation programs to increase the awareness of PEZA employees on drug abuse to include the following topics:
 - i) PEZA's Drug Free Workplace Program;
 - ii) Relevant features of the Comprehensive Dangerous Drugs Act of 2002 or RA 9165;
 - iii) Adverse effects of dangerous drugs to the person, workplace, family and the community and preventive measures against drug abuse; and,
 - iv) Possible administrative sanctions as a result of non-conformance with PEZA's Drug Free Workplace Policy;
- b) The Company Doctor and Company Nurse in-charge with the implementation of the Drug-Free Workplace Program shall undergo relevant training with the Department of Health (DOH), Occupational Safety and Health Center (OSHC) on drug abuse prevention and clinical assessment.
- c) All newly hired personnel shall be given an orientation by HR on PEZA's Drug Free Workplace Program.

11) ADMINISTRATIVE SANCTIONS

All appropriate administrative proceedings shall be implemented by the Board of Inquiry, Investigation and Discipline (BIID) in coordination with HR.

- a) Refusal of an employee to undergo or failure to provide justifiable reason for not participating in the random test will be subjected to disciplinary action for Gross Insubordination. Any employee who is present during the scheduled drug test but refuses to undergo the same by leaving the PEZA Office or accredited testing center without first undergoing said test shall be considered as refusal.
- b) All positive laboratory reports during screening or confirmatory tests shall be treated with confidentiality, any employee who intentionally or unintentionally breaches the confidentiality of the results will be subjected to disciplinary action for Simple Misconduct.
- c) An employee shall be charged with the administrative offense of Grave Misconduct for the following actions:
 - i) Tampering with the result of the drug test; interfering in the conduct of the test or in the release of drug test results;
 - ii) Refusal to undergo treatment or rehabilitation or failure to complete treatment;

- iii) Use of dangerous drugs during the prescribed period of intervention or rehabilitation;
- iv) Failure to completely satisfy the requirements of the intervention program as signified by the refusal of the guidance counselor or the attending physician to issue a certificate of completion after counselling or rehabilitation;
- v) Testing positive for drug use for the second time after completion of treatment; and,
- vi) Being caught using or peddling drugs.

12) COMPLIANCE REPORTS

The Committee shall submit yearly compliance reports to the Dangerous Drugs Board and the Department of Health on the drug testing activities conducted on employees. The report shall contain the following information:

- a) Total number of employees;
- b) Data on the number of personnel tested;
- c) Number of personnel who tested positive;
- d) Analytes tested (methamphetamine, tetrahydrocannabinol, etc);
- e) Dates of testing and,
- f) Names of participating laboratories who conducted the test.

13) REPEALING CLAUSE

PEZA Memorandum Order No. 2016-014 is hereby repealed.

14) EFFECTIVITY

This manual of procedure shall take effect fifteen (15) days after its publication at the Office of the National Administrative Register, UP Law Complex, Diliman, Quezon City.