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Republic of the Philippines
DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS
OFFICE OF THE SECRETARY
Manila

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DEPARTMENT ORDER)
NO. 214)
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SUBJECT: Policy on the Establishment of a Drug-Free Work Place in the Department of Public Works and Highways

In support of the national campaign against drugs, The Department of Public Works and Highways (DPWH) hereby adopts the following policy governing the establishment of a drug-free work environment and the promotion of well-being and productivity of its officials and employees.

A. LEGAL BASES

This policy is supported by the following legal bases:

1. Republic Act 9165, otherwise known as "*The Comprehensive Dangerous Drugs Act of 2002*" and its Implementing Rules and Regulations (IRR);
2. Office of the President Memorandum Circular (MC) No. 89 dated December 17, 2015 or the "*Implementation and Institutionalization of the National Anti-Drug Plan of Action*"; and
3. Civil Service Commission (CSC) MC No. 13, S. 2013 or the "*Guidelines for a Drug-free Workplace in the Bureaucracy*".

B. COVERAGE

This policy shall apply to all DPWH officials and employees without distinction as to rank, status, salaries, and those applying for DPWH positions

C. DEFINITION OF TERMS

1. **Confirmatory Test** – an analytical test which will validate and confirm the result of the Screening Test using urine samples.
2. **Dangerous Drugs** – includes all dangerous drugs enumerated in Republic Act. (R.A.) No. 9165.
3. **Dangerous Drugs Board (DDB)** – under the Office of the President, it is the government's policy-making and strategy-formulating body on drug prevention and control.
4. **DPWH Anti-Drug Team** – composed of the Director of Human Resource and Administrative Service (HRAS) and representatives from the Legal Service and Employees' Union (EU) designated to facilitate the implementation of the anti-drug policies and programs in the Central Office
5. **DPWH Officials** – employees holding the position of Director III and up.

6. **Drug Testing Laboratory** – a Class A government or private forensic laboratory or drug testing laboratory accredited and monitored by the Department of Health (DOH).
7. **Near Miss** – an incident arising from or in the course of work which could have led to injuries or fatalities of the workers and/or considerable damage to the DPWH, had it not been curtailed.
8. **Personnel** – persons hired, permitted, or suffered to work by the DPWH and includes officials, permanent employees, Cotermious to the Incumbent, and job order (JO) workers.
9. **Reasonable Suspicion Testing** – performed when there evidence or reasonable cause to suspect a personnel of drug use.
10. **Screening Test** – a rapid test performed to establish potential or presumptive positive result using urine specimen to test the presence of certain dangerous drugs.
11. **Workplace** – means any office, building, or property owned or operated by the DPWH or any other site at which an employee performs work for the DPWH.

D. GENERAL GUIDELINES

1. Advocacy and Education

- a. Billboards shall be displayed in strategic and conspicuous places bearing messages that promote drug-free workplace (e.g., **"This is a drug-free workplace. Let us keep it that way."**).
- b. A continuing and sustainable drug awareness education program shall be adopted, in coordination with the DDB, DOH, and/or other concerned agencies and experts;
- c. Informational materials shall be made available to all personnel through various means such as email and intranet; and
- d. Various activities that encourage healthy and drug-free lifestyle at home and at work shall be conducted.

2. Drug Testing

- a. Pre-Employment Drug Testing is mandatory, the cost of which shall be shouldered by the applicant. Confirmed positive results shall be ground for disqualification from the application process.
- b. Personnel shall be subjected to surprise Random Drug Testing through same-day random selection procedure, the cost of which is chargeable against appropriate funds of the DPWH.
- c. Reasonable Suspicion Testing shall be recommended by the DPWH Anti-Drug Team or Regional/District Administrative Officer on the following grounds:
 - i. Documented history of drug use;
 - ii. Habitual absenteeism and tardiness;

- iii. Extremely low or significant drop in performance rating as indicated in the Individual Performance Rating;
 - iv. Possession of dangerous drug paraphernalia;
 - v. Theft, forgery, and use of illegal means to obtain money;
 - vi. Involvement in violent altercations in the workplace and near miss incidents; and
 - vii. Other justifiable circumstances that lead to probable suspicion of drug use.
- d. All of the above-mentioned drug tests shall employ two (2) testing methods: (1) the screening test and (2) the confirmatory test.

Urine collection shall be done only by Drug Testing Laboratory staff and within the premises of the DPWH. Both tests shall be conducted in the same designated laboratory and transfer of urine specimen from one laboratory to another shall not be allowed so as to centralize accountability in the event of mistakes or errors. In case of such mistakes or errors, Section 37, Article III of R.A. 9165 may be invoked against the Drug Testing Laboratory concerned.

- e. Drug test results, whether negative or positive, shall be communicated to the concerned personnel and his or her Immediate Superior.
- f. A positive confirmatory test may be challenged by the concerned personnel within three (3) days after receipt of notice of test result. Failure to challenge the confirmatory test within this period shall be taken as *prima facie* evidence of dangerous drug use.
- g. In cases of confirmatory test results, the DPWH Anti-Drug Team (or counterpart in Field Offices) shall effect the imposition of appropriate sanction/s and determine the administrative interventions to be applied.
- h. Refusal to submit to drug testing shall be considered a violation of office rules and regulations and shall be a ground for disciplinary action. Personnel on leave on the day of a random drug test shall be referred to the accredited Drug Test Laboratory upon return to work.
- i. All information relative to drug tests performed shall be kept confidential.

3. Treatment and Referral

- a. A confirmed positive drug test result shall prompt the DPWH Anti-Drug Team (or counterpart in Field Offices) to request DDB to conduct a Drug Dependency Test (DDT) on the concerned personnel. The DDT shall be charged to the account of the personnel.

Based on the recommendation of the DDB, the DWPH Anti-Drug Team (or counterpart in Field Offices) shall impose the following requirements as conditions for reinstatement:

- i. Casual Users – Medical Detoxification:
 - Should the concerned personnel not be certified as a drug dependent requiring rehabilitation, but a mere drug user who is capable of being cured medically, he or she shall be allowed to remain at work, provided his or her performance is not affected.

- He or she shall be required to execute an undertaking that he or she will never take any dangerous drug again at any time during the course of his or her employment. Otherwise, the Department shall exercise its right under the law to terminate his or her employment.
- The length of detoxification shall be determined by the DDB. A surprise monthly drug test for six (6) consecutive months thereafter, chargeable to the account of the concerned personnel, shall also be done to prevent relapse.

ii. Drug-Dependent – Rehabilitation:

- The length of rehabilitation shall be determined by the DDB. A certificate issued by the rehabilitation center that the employee has completed the rehabilitation program shall be required as condition for reinstatement. A surprise monthly drug test for six (6) consecutive months after rehabilitation, chargeable to the account of the employee, shall also be done to prevent relapse.
- The cost of rehabilitation and treatment shall be at the expense of the personnel concerned.
- Absences incurred during rehabilitation shall be covered by an application of leave, with or without pay, as the case may be.

b. The DPWH may grant monetization to employees under the rehabilitation program provided that they have sufficient leave credits or grant leave with or without pay for a maximum of one (1) year without pay. The employee who is on leave without pay shall be entitled to all benefits due to her or him.

4. Prohibition

No employee at the workplace shall use, possess, distribute, purchase, or sell dangerous drugs, whether they are on duty or not.

Security guards posted at the entrance gates may inspect, search or examine all persons entering the DPWH premises for possible possession of dangerous drugs. Any person who refuses to submit to such search, inspection, or examination shall be denied access to the premises.

Any dangerous drug, instrument, paraphernalia, apparatus, material, or appliance intended or designed for the use, manufacture, or production of dangerous drugs seized or confiscated from any person within the DPWH premises shall be turned over to the proper authorities to be used as evidence in prosecuting the illegal possession thereof.

5. Accountability

Overseers, Anti-Drug Team, and Regional/District Administrative Officers are accountable for:

- a. Carrying out of roles and responsibilities as outlined in the policy;
- b. Confidentiality of all information;

- c. Observance of due process in disposition of cases; and
- d. Taking of appropriate measures to enforce the sanctions/penalties outlined in this policy.

6. **Offenses and Penalties**

Offenses and penalties are provided for in R.A. No. 9165 and its IRR.

E. RESPONSIBILITIES

1. As the **Overseer in their respective jurisdiction**, the Director of HRAS, Central Office, the Regional Directors and the District Engineers shall:
 - a. Direct, administer, and manage the implementation of drug awareness programs in accordance with this Department Order, as well as other applicable laws, regulations, and guidelines;
 - b. Serve as the principal contact with government agencies, Drug Testing Laboratories, and other organizations in relation to the Drug-Free Workplace Program;
 - c. Direct the Anti-Drug Team (or counterpart in Field Offices) to facilitate drug testing and drug awareness seminars required by this program;
 - d. Undergo trainings and seminars on drug prevention, assessment, and counseling.
2. The **Anti-Drug Team** as well as counterpart in Field Offices (Regional and District Administrative Officers (AOs) and EU Representatives) shall:
 - a. Facilitate drug testing and drug awareness seminars required by this program;
 - b. Monitor the performance rating of employees; document cases of potential drug abuses, and expedite the conduct of reasonable suspicion testing;
 - c. Notify the concerned personnel, the Overseer, and the Undersecretary for Support Services of all confirmed positive drug test results;
 - d. Coordinate with proper government agencies for evaluation of confirmed positive drug cases relevant to the implementation of this policy;
 - e. Monitor the status of drug dependent personnel, in coordination with the rehabilitation centers and recommend his/her return to work if he/she poses no serious danger to his co-employees or the workplace;
 - f. Recommend to the Overseer the resolution/disposition of cases of verified positive drug test results; and
 - g. Undergo trainings and seminars on drug prevention, assessment, and counseling.

F. OBSERVANCE OF DUE PROCESS

In the implementation of this policy on drug-free workplace, due process shall be strictly adhered to.

G. IMPLEMENTATION AND EVALUATION

This Department Order shall take effect immediately upon its approval.



MARK A. VILLAR
Acting Secretary

10.1.6 AIL/ABA/ARM

Department of Public Works and Highways
Office of the Secretary



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