



**OFFICE ORDER 2016-004**

**TO :** ALL CONCERNED  
This Office

**SUBJECT :** GUIDELINES IN ENSURING A DRUG-FREE OFFICE  
FOR TRANSPORTATION SECURITY (OTS)

**DATE :** July 4, 2016

Pursuant to RA 9165, the "Comprehensive Dangerous Drugs Act of 2002", Dangerous Drugs Board Regulation No. 2, series of 2004 and CSC Memorandum Circular No. 13 S. 2010, the following guidelines are hereby adopted:

**I. RATIONALE**

To maintain a safe and healthy work environment free from use of dangerous drugs

**II. POLICY STATEMENT**

The OTS recognizes the threat posed by drug use/abuse and its impact upon the workplace, in terms productivity, efficiency, safety and security; and thereby, absolutely prohibits the use/abuse of dangerous drugs, within or without the office premises, by its officials and employees.

**III. COVERAGE**

This Office Order applies to all officials and employees (with permanent, contractual or temporary status) of the OTS, without distinction as to age, rank or salaries.

**IV. DEFINITION OF TERMS**

- A. Authorized Drug Test. Drug testing done by any government forensic laboratories or 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. These laboratories shall be the ones responsible to examine person's urine specimen to determine the presence of dangerous drugs.
- B. 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 tested positive with dangerous/prohibited drugs;

- C. Dangerous Drugs. Drugs 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;
- D. "For Cause" or Probable Cause" Drug Test. A 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;
- E. Immunoassay Test- a biochemical test that measures the presence or concentration of a macromolecule or a small molecule in a solution through the use of an antibody (usually) or an antigen (sometimes). Antibody is a blood protein produced in response to and counteracting a specific antigen, which is a toxin or other foreign substance that induces an immune response in the body, especially the production of antibodies;
- F. Mandatory Drug Test. Compulsory submission of an employee to drug testing as required by RA 9165;
- G. Random Drug Test. A drug testing method of selecting personnel for testing of drug use/abuse, following no specific pattern and without prior notice/information;
- H. 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.
- I. Unlawful Acts - Refers to any of the unlawful acts penalized under Art. II of RA 9165;
- J. RA 9165. The Comprehensive Dangerous Drugs Act of 2002.

## **V. GUIDELINES IN THE CONDUCT OF DRUG TESTING**

A. When to conduct mandatory drug test:

1. Pre-employment
2. Persons in high-risk/decision-making positions
3. Persons with history of drug use/abuse
4. Involvement in accidents

5. Persons found in possession of dangerous drugs paraphernalia
6. Detention by police/filing of charge in court for drug-related cases
7. Requirement for promotion
8. Employees reporting back to work after undergoing drug rehabilitation in a rehabilitation center

B. Random Drug Testing shall be conducted:

1. Without prior notice of the date and venue of the drug test
2. On employees selected at random by the Administrator or his authorized representative, until all officials and employees have undergone the test
3. "For cause" or "probable cause", including but not limited to the following:
  - a. Irregular attendance - frequent unauthorized absences and/or truancy, and tardiness ;
  - b. Physical change - slurred speech, bloodshot eyes, shabby appearance, etc.;
  - c. Mental instability- ill-temperament, difficulty in or inability to perform/handle assigned tasks;
  - d. Poor gender performance - missed deadlines, low productivity, increased and frequent wastage, public complaints, accidents and carelessness, etc.;
  - e. Hostile peer relation - isolation, frequent quarrels with officemates, heavy borrowing, mood swing, etc.

C. Procedure/Guideline in the Conduct of the Random Drug Test in the Workplace

1. The Administrator or his authorized representative notifies the randomly selected officials or employees to proceed, for a urine test, to the medical section, whose authorized representative, in turn, will accompany subject official/employee to the place where the test will be conducted.
2. The selected officials/employees reports immediately to the medical section for the drug test.
3. All testing shall be 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 results.
4. All urine sample tested positive shall be submitted for confirmatory testing, using the same urine sample, to a laboratory having such capability.

D. Procedure/Guideline in handling a positive result after Confirmatory Test

1. The positive result must be embodied in an official document duly signed by the authorized signatory of the laboratory where the confirmatory test was done, and by the official/employee concerned;
2. The concerned testing facility shall keep a urine sample tested positive for the purpose of addressing the challenge to the result, if any.
3. Said official document of positive result, which constitutes a *prima facie* evidence to warrant the issuance of formal charge, shall be forwarded to the Administrator, OTS.
4. The Administrator shall forward the official result to:
  - a. Administrative and Finance Service, which shall:
    - i. Provide a copy to:
      - (1) the official/employee concerned for proper notice;
      - (2) the Legal Service for appropriate administrative action.
    - ii. Keep a record of the tests conducted and the results thereof;
  - b. Legal Service, which shall:
    - i. Endorse it to appropriate law enforcement agency/authority;
    - ii. Recommend to the Administrator the issuance of a Formal Charge for Grave Misconduct against the official/employee concerned;
    - iii. Upon approval of the Formal Charge, proceed with the formal investigation and resolution of the case in accordance with the RRACCS

E. Monitoring

OTS, through Administrative and Finance Service, shall submit to the DOTC and Dangerous Drugs Board a yearly compliance report on the drug testing activities conducted on their personnel. The report shall include the total workforce and the total number of personnel who have already undergone testing and the number of positive and/or negative results, the dates conducted, and the names of drug testing laboratories that conducted the test.

F. Confidentiality of records

1. All records shall be strictly held confidential, as provided for under RA 9165.

2. Government official, employees and/or any person who intentionally breach the confidentiality of any drug test result shall, subject to procedural due process, be administratively and criminally liable in accordance with Section 46 (B) (11), Rule 10 of the RRACCS and Section 72 of RA 9165, respectively.

G. Funding/ Cost Requirements

The cost of the drug testing for government officials and employees shall be funded by the Office and for this purpose, must be part of the yearly budgetary appropriation of Administrative and Finance Service

**VI. SANCTION**

Subject to procedural due process:

- A. Any government official/ employee tested positive of drug use/abuse shall be administratively liable for Grave Misconduct, under Section 46 (A) (3), Rule 10 of the RRACCS;
- B. Any government official / employee, who refuse, without any valid reason, to submit himself/herself to random/mandatory drug test, whichever is applicable, shall be administratively liable for Insubordination, under Section 46 (D) (5), Rule 10 of the RRACCS;
- C. Employees who are found arrested/apprehended or charged in court for commission of any of the unlawful acts under Art. II of RA 9165 shall be administratively liable, in accordance with the unlawful acts committed; and shall mete the penalty of Suspension/Dismissal from the Service, depending on the gravity of the offense committed, subject to existing laws, rules and regulations of the Civil Service;
- D. All the foregoing shall be without prejudice to criminal prosecution, pursuant to RA 9165.

**VII. EFFECTIVITY**

This Office Order shall take immediately.

  
**DIR. MIGUEL FF. ORAA**  
Officer-In-Charge, Administrator