

SPONSORED BY: COUNCILOR PATRICK JOHN P. ALCANTARA

**AN ORDINANCE ESTABLISHING AND INSTITUTIONALIZING DRUG FREE WORKPLACE POLICIES IN ALL GOVERNMENT OFFICES IN THE MUNICIPALITY OF TAYTAY PROVINCE OF RIZAL INCLUDING THE CONDUCT OF AUTHORIZED DRUG TESTING FOR ELECTIVE AND APPOINTIVE PUBLIC/MUNICIPAL OFFICERS AND EMPLOYEES AND OTHER PURPOSES**

**WHEREAS**, on December 28, 2018, the Department of the Interior and Local Government (DILG) has issued Memorandum Circular No. 2018-213 Related Dangerous Drug Board Regulation No. 13 series of 2018. Establishment and Institutionalization of Drug Free Workplace Policies in all government offices including the conduct of authorized Drug Testing for elective Local Officials and appointive Officers and for other purposes;

**WHEREAS**, the Municipality of Taytay Province of Rizal fully supports the program of the national government in its fight against drug abuse;

**WHEREAS**, toward this end, one of the strategies of the Municipality of Taytay, Rizal is to ensure that all officers and employees, whether elective or appointive, in government offices in the Municipality of Taytay, Rizal are free from substance abuse.

**NOW, THEREFORE**, be it enacted by the Sangguniang Bayan in a session assembled:

**SECTION 1. TITLE** - This ordinance shall be known as "DRUG FREE WORKPLACE Policies in Government Offices in the Municipality of Taytay Province of Rizal".

**SECTION 2. OBJECTIVES** - This ordinance aims to promote the establishment and institutionalization of drug free workplace policies in all government offices and ensure that all public officers, both elective and appointive, remain drug free through the conduct of authorized drug testing pursuant to RA No. 9165 or the Comprehensive Dangerous Drugs Act of 2002, as amended (the "ACT"). Thus, the public shall be ensured of effective and efficient service from the government, free from the ill-effect of drug use in the workplace.

**SECTION 3. SCOPE** - This ordinance shall cover all elective officials and appointive public officers and Municipal Employees in all Local Government Units (LGU) in the Municipality of Taytay Province of Rizal, including casual and job-order (JO) contract of service

**SECTION 4. DEFINITION OF TERMS-**

- a.) Authorized Drug Testing- the testing done by the drug testing laboratories accredited by the Municipal health (MHO) or the Department of Health (DOH). It shall employ, among others, two (2) testing methods, the screening test, which will determine the positive result as well as the type of the drug used, and the confirmatory test, which will confirm a positive screening test.
- b.) Challenge Test — a drug test conducted as a result of a challenge filed by a public officer who tested positive for drug use in a confirmatory test in an authorized drug testing activity.

- c.) Confirmatory Test - an analytical test using a device, tool or equipment with a different chemical or physical principle that is more specific which will be validated and confirm the result of the screening test.
- d.) Contract of Service/Job Order - refers to employment covered by a contract pertaining to lump sum work or service such as janitorial, security, or consultancy service where no employer-employee relationship exist; piece of work or intermittent job of short duration not exceeding six (6) months on a daily basis; all of which are not covered by Civil Service Law, rules and regulations, but covered by Commission on Audit rule, and the public officials or employees, including, but not limited to, personal economic relief allowance, cost of living allowance, and representation and travel allowance.
- e.) Dangerous Drugs- Include those listed in the schedule annexed to the 1961 Single Convention on Narcotic Drugs, as amended by the 1972 Protocol, and in the schedules annexed to the 1971 Single Convention on Substances as enumerated in the attached annex which is an integral part of Republic Act No 9165 on the Comprehensive Dangerous Act of 2002,, as amended (the Act), and hereto attached and made as an integral part hereof as "Annex".
- f.) Drug Dependency Examination- refers to the examination conducted by physician accredited by the MHO or DOH to evaluate the extent of drug use of a person and to determine whether he/she is a drug dependent or not, which include history taking, intake interview, determination of criteria for drug dependency, mental and physical status, and the detection of dangerous drugs in body specimens through laboratory procedures.
- g.) Employee Assistance Program- a program that offers assistance to government officials or employees who have alcohol or drug related issues and problems that may affect work performance. It shall be jointly implemented by the LGUs concerned and the employees.
- h.) Mandatory Drug Testing- compulsory submission of a public officer or prospective employee to drug testing as mandated by RA 9165 or the Comprehensive Dangerous Drug Act of 2002 and this Ordinance.
- i.) Public Officer- any person holding any public office in the Municipality of Taytay Province of Rizal, by virtue of an appointment, election, or contract.
- j.) Random Drug Testing- drug testing where the selection process results in equal probability that any employee from a group of employees will be tested, and without prior notice of the date and venue.
- k.) Screening 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.
- l.) Substance Use Disorder (SUD)- term used in Diagnostic Manual which combines categories of substance use, abuse and dependence into a single disorder measured on a continuum form from mild severe. Each specific substance is addressed as a separate disorder (e.g. alcohol use disorder, shabu use disorder) and are diagnosed based in the same overarching eleven (11) behavioral criteria. Clinicians can also add "in sustained remission," "in sustained therapy," and "in

controlled environment" in describing their diagnosis which could either be the following;

- I. Mild SUD- a minimum of two (2) to three (3) criteria has been met. Similar to experimental and occasional users;
- II. Moderate SUD- four (4) or five (5) criteria met which would be similar to regular and habitual users; and
- III. Severe SUD- if six (6) or more symptoms / criteria have been met which is about the equivalent to an abuser and substance dependent individual.

**SECTION 5. Responsibility of the Local Government Units under the Drug-Free Workplace Policy.**

- a. The Municipal Mayor shall ensure the adoption and implementation of a continuing and sustainable substance abuse awareness and prevention program and inform all officials and employees about the following:
  - I. the Drug-Free Workplace Policy of the Municipality of Taytay Province of Rizal and distribution of copies thereof to each employee;
  - II. the Medical and Social risks associated with drug abuse;
  - III. the administrative and criminal sanction with respect to drug use and violations of RA 9165 and this Ordinance; and
  - IV. the availability of the Employee Assistance Program.
- b. The Drug-Free Workplace Policy shall provide for the responsibilities of our Municipal Mayor which are as follows:
  - I. Maintain a drug-free workplace;
  - II. Conduct of substance abuse awareness and prevention programs;
  - III. Conduct of mandatory and random drug testing; and
  - IV. Ensure adequate funding for the implementation of the Drug-Free Workplace Policy.

**SECTION 6. Creation of Drug-Free Workplace Committee-** There shall be created a Drug-Free Workplace Committee, the Committee shall be composed of the following:

- a.) Chairman- The Local Executive of Local Government Unit  
Municipal Mayor -
- b.) Vice Chairman - the Chairman of the Committee on Peace, Order and Public Safety  
of the Sangguniang Bayan –
- c.) Members: Hon. \_\_\_\_\_, Hon. \_\_\_\_\_, Hon. \_\_\_\_\_
- d.) The Chairman of the Committee on Health and Social Service  
Hon. \_\_\_\_\_
- e.) Health Officer  
Dr. \_\_\_\_\_

- f.) Anti-Drug Abuse Officer of the LGU, or its equivalent  
Mr./Mrs.
- g.) Social Welfare and Development Officer  
Mr./Mrs.
- h.) Office of the Public Safety, or Its equivalent  
Mr./Mrs.
- i.) The Legal Officer  
Atty.
- j.) First & Second Level Personnel Representative of the LGU  
Mr. Mrs.

It shall be the task of the Committee to draft and implement the provision of the Drug-Free Workplace Policies of the Municipality of Taytay Province of Rizal.

**SECTION 7. Creation of an Assessment Team-** the Committee shall create an Assessment Team (Team) which shall be composed of personnel with education and training backgrounds on medicine, psychology, social work, and Human resources administration.

#### **DRUG-FREE WORKPLACE ASSESSMENT TEAM**

- a. DR. MHO (Medicine)
- b. Mr./Mrs. MSWD (Social Work)
- c. Mr./Mrs. (Human resources administration)

The team shall assist in the conduct of substance abuse awareness and prevention program. The Local government unit shall ensure that members of the Team undergo regular Training.

**SECTION 8. Pre-Employment Drug Testing** - Mandatory testing drug testing shall be remained a requirement for initial entry to government service. Any applicant found positive for drug use shall be denied entry government service.

#### **SECTION 9. Guidelines to Conduct of Authorized Drug Testing**

- a. The Drug-Free Workplace policy of the Municipality of Taytay Province of Rizal shall include the conduct of authorized drug testing, the purpose of which is to prevent the entry of dangerous drugs among personnel thereof. The frequency of such testing, which shall be conducted in a random manner, shall take into consideration, among others, the number of public officers, nature of work being discharged, funding, and other logistics.

Contract of Service or Job Order personnel shall be subject to the conduct of authorized drug testing, which shall be reflected in the Drug-Free Workplace Policy of the government office.

All results of authorized drug testing activities shall be strictly confidential. Only the Municipal Mayor or the Local Executive, as the case may be, and the members of the Assessment Team shall have access to such results.

- b. Authorized drug testing shall be conducted only by a drug testing laboratory accredited by Municipal Health Office (MHO) or the DOH.

- c. In case of negative drug test result. No further action is needed.
- d. A positive drug test result from the confirmatory test shall immediately be known to the Municipal Mayor, who shall notify the public officer/employee concerned. The public officer/ employee shall have fifteen (15) days from receipt of the notice to challenge the results of the confirmatory test. Using the same specimen, a challenge test shall be conducted by a drug testing laboratory accredited by the Municipal Health Office (MHO) or the DOH. All expenses incurred in the conduct of the challenge test shall be borne by the concerned public officer/employee.
- e. A positive drug result from the challenge test is deemed final and the public/employee shall be subjected to administrative proceedings. Failure to file a challenge within the prescribed period shall make the positive drug test result from the confirmatory drug test final. The Municipal Mayor or the Local Chief Executive shall then take the appropriate action.

All drug test results and records shall strictly be held confidential and shall be attached to the 201 File of all officials and employees.

**SECTION 10. Employee Assistance Program (EAP)-** The Municipal Mayor or Local Chief Executive shall ensure the creation of a sustainable Employee Assistance Program (EAP) which shall provide resources for, and / or referrals to medical interventions for public officers/employee requiring the same as mandated under this Municipal Ordinance. The Assessment Team shall be actively involved in the implementation of the Employee Assistance Program.

A public officer/employee, prior to the conduct of authorized drug testing may seek proper intervention in coordination with the Employee Assistance Program, which shall provide referrals and additional services to the public officer/employee concerned. A drug dependency examination shall be conducted on order to determine the level Substance Use Disorder applicable intervention.

This type of assistance shall not apply to the public officer/employees who are found to be positive for drug use after the conduct of a confirmation test in the authorized drug testing activity.

**EMPLOYEE ASSISTANCE PROGRAM (EAP)**

DR.	MHO (Medicine)
MR./MRS.	(Human Resources Administration)
Mr./Mrs.	(Municipal Administrator)

**SECTION 11. Penalty-**

- a.) An appointive public officer/employee who refuses, without any valid reason, to submit himself/herself to authorized drug testing or is found positive for drug use after the conduct of a confirmatory test in an authorized drug testing activity shall be charged with the administrative offense of Grave Misconduct.
- b.) Any elective public officer who refuses, without any valid reason, to submit himself/herself to authorized drug testing, or is found positive for drug use after the conduct of a confirmatory test in an authorized drug testing activity shall be

subject to disciplinary action for misconduct *in office* pursuant to Section 60 of the Local Government Code and article 124 (3) of the

- c.) Any public officer/employee found to have tampered the result of a drug test, interfered with the conduct of the drug test or in the release of drug test result, or violated rules of confidentiality of records shall be charged with the administrative offense of Grave Misconduct without prejudice to the filing of a case for violation of Section 32, Article II of RA 9165.
- d.) Any elective public officer/employee who violated the provisions of this Ordinance shall be with the administrative offense of Grave Misconduct or face disciplinary sanction under Section 60 of the Local Government Code, as the case may be, without prejudice to the filing of criminal charges under RA 9165 and other relevant laws.
- e.) The Municipal Mayor/Local Executive, upon recommendation, and through the Drug Free Workplace Committee, shall cause the filing of cases for elective officials and appointive officers and employees concerned for violation of this Ordinance and relevant statutes.
- f.) Any government personnel found positive for use of dangerous drugs after the conduct of the confirmatory test shall be subjected to disciplinary/administrative proceeding with a penalty of dismissal from the service of the first offense.

**SECTION 12. Confidentiality** - Any person who, having official custody or access to all data and information relative to the conduct of the authorized drug testing, or anyone who, having gained possession to such data and information reveals their content to any persons not authorized to have access thereto, shall be prosecuted for violation of this Ordinance and Section 32, Article II RA 9165.

**SECTION 13. Appropriations** - The amount as may be deemed appropriate by Committee shall be appropriated, out of the un-appropriated funds of the General Fund to carry out the implementation of this Ordinance, and shall thereafter be included in the Annual Investment Plan and Annual Budgets of the Municipality of Taytay Province of Rizal.

**SECTION 14. Implementing Rules and Regulations** - To carry out the effective implementation of this Ordinance, The Municipal Anti-Drugs Abuse Council in coordination with the Drug-Free Workplace Committee shall formulates its Implementing Rules and Regulations within thirty (30) days upon approval thereof.

**SECTION 15. Repealing Clause** - All Ordinances, resolutions, memoranda orders, instructions and circulars in consistent with this Ordinance shall be deemed accordingly repealed and/or modified.

**SECTION 16. Separability Clause** - If any part or provisions of this Ordinance is held invalid or unconstitutional, other provisions not affected thereby shall remain in force and effect.

**SECTION 17. Effectivity Clause** - This Ordinance take effect Fifteen (15) days after its publication in two (2) Newspapers of general circulation and/or posting at least three (3) conspicuous places in the Municipality of Taytay Province of Rizal.  
Enacted, this Taytay, Rizal.

**ENACTED** this \_\_\_\_ day of \_\_\_\_\_, 2020 at the Session Hall of the Municipal Building, of Taytay, Rizal.