

**ADMINISTRATIVE ORDER**No. 14  
Series of 2017

Subject: **Enhanced Guidelines in the Implementation of a Drug-Free Workplace Program in the Department of Social Welfare and Development**

**I. RATIONALE**

Drug abuse is a serious menace prevalent in the country. In the 2012 Household Survey on the Nature and Extent of Drug Abuse in the Philippines, there are about 1.3 million drug users in the country, majority of which are employed individuals between the ages of 20-29 years old<sup>1</sup>. Further, according to the survey, methamphetamine hydrochloride, or *shabu*, is the most used dangerous drug in the country, followed by cannabis or *marijuana*, and inhalants or contact cement<sup>2</sup>.

Drug abuse is considered as a health problem<sup>3</sup> and a workplace issue<sup>4</sup>. It may arise as a result of one or combination of personal, family or social factors or from certain work situations<sup>5</sup>. It affects not only the physical wellbeing and the state of health of an individual but also causes strain in interpersonal relationships within the family and social networks as well as work-related problems such as deterioration of job performance<sup>6</sup>. In the 2014 report of the National Council on Alcoholism and Drug Dependence, the dependency of individuals to drugs adversely impacts their workplace, which may range from loss of productivity, absenteeism, injuries, fatalities, theft and low morale, to an increase in health care, legal liabilities and workers' compensation costs<sup>7</sup>. Thus, drug abuse is prejudicial to workplace safety and health.

The Department of Social Welfare and Development (DSWD) is mandated to "care for, protect and rehabilitate physically, mentally, and socially disabled constituents, for effective social functioning"<sup>8</sup>. It is extremely inappropriate for the DSWD personnel to be influenced by dangerous drugs, who are at the forefront as prime agents of social protection. This demands that DSWD personnel serve as role models of honesty, competence and high standard of morality worthy of emulation, in countenance of the values being espoused by the Department.

<sup>1</sup> This study is a collaborative research between the Dangerous Drugs Board and the Philippine Normal University. The estimate was derived using the 2012 NSCB projected population of age 10-69 which is 72, 735, 094. Retrieved from <http://www.ddb.gov.ph/research-statistics/research/45-research-and-statistics/88-2012-researches>

<sup>2</sup> Dangerous Drugs Board. (2015, June 27). *Facts on Drugs*. Retrieved from: <http://www.ddb.gov.ph/newsroom/46-sidebar/58-facts-on-drugs>

<sup>3</sup> United Nations Office on Drugs and Crime, *World Drug Report 2015* (United Nations publication, Sales No. E.15.XI.6). Retrieved from [http://www.unodc.org/documents/wdr2015/World\\_Drug\\_Report\\_2015.pdf](http://www.unodc.org/documents/wdr2015/World_Drug_Report_2015.pdf)

<sup>4</sup> Management of alcohol- and drug-related issues in the workplace. An ILO code of practice Geneva, International Labour Office, 1996. Retrieved from [http://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---protrav/---safework/documents/normativeinstrument/wcms\\_107799.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---safework/documents/normativeinstrument/wcms_107799.pdf)

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.*

<sup>7</sup> National Council on Alcoholism and Drug Dependence. (2014, August 12). *Drugs and Alcohol in the Workplace*. Retrieved from: <https://www.ncadd.org/about-addiction/addiction-update/drugs-and-alcohol-in-the-workplace>

<sup>8</sup> cf. Title XVI, Chapter 1, Sec. 2(1) of Executive Order No. 292, s. 1987 (Administrative Code of the Philippines)

Drug abuse is detrimental to the best interest of the service as it may tarnish credible image and integrity<sup>9</sup>. Thus in 2005, the DSWD issued Memorandum Circular No. 03, as amended by Memorandum Circular No. 8, Series of 2005, which provided the guidelines in the implementation of a drug-free workplace program and the conduct of authorized drug testing of DSWD personnel.

With the strengthened national campaign against dangerous drugs, the Central Office Drug-Free Workplace Committee was reconstituted to institutionalize an enhanced policy and formulate programs that will help deter the proliferation of drug use towards the realization of a drug-free workplace in the DSWD.

## **II. OBJECTIVES**

This policy guideline aims to ensure that DSWD, as a national government agency, remains to be drug-free by providing a safe and healthy working environment for its personnel free from the hazards of dangerous drugs. Through an enhanced occupational wellbeing of its personnel, it assures the public of effective and efficient delivery of social welfare and development programs and services.

Specifically, it intends to:

1. Review and enhance the existing policies and programs against drug abuse in the workplace;
2. Aid in the development and conduct of anti-drug abuse programs/activities;
3. Create awareness and enhance the knowledge of the DSWD workforce on the dangers posed by drug abuse and the positive effects of drug rehabilitation initiatives;
4. Build the capacities of the DSWD personnel in the prevention of drug abuse; and
5. Establish collaborative linkages with other government agencies, non-government organizations (NGOs), and civil society organizations (CSOs) to support and sustain the implementation of the drug-free workplace policies and programs.

## **III. LEGAL BASES**

The implementation of a Drug-Free Workplace Program and the conduct of drug-testing of personnel in the DSWD are supported by the following laws and statutes, and administrative issuances:

1. Article II, Sec. 27 of the 1987 Philippine Constitution:

“The State shall maintain honesty and integrity in the public service and take positive and effective measures against graft and corruption.”

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<sup>9</sup> cf. *Avenido v. Civil Service Commission*, 553 SCRA 711 [2008]; A.M. No. 2013-08-SC, October 18, 2013



2. Article XI, Sec. 1 of the 1987 Philippine Constitution:

“Public office is a public trust. Public officers and employees must, at all times, be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency; act with patriotism and justice, and lead modest lives.”

3. Section 4(c) of Republic Act 6713 (Code of Conduct and Ethical Standards for Public Officials and Employees):

“*Justness and sincerity* - Public officials and employees shall remain true to the people at all times.... They shall at all times respect the rights of others, and shall refrain from doing acts contrary to law, good morals, good customs, public policy, public order, public safety and public interest.”

4. Section 36(d) of Republic Act 9165 (Comprehensive Dangerous Drugs Act of 2002):

“Officers and employees of public and private offices. – Officers and employees of public and private offices, whether domestic or overseas, shall be subjected to undergo a random drug test as contained in the company's work rules and regulations, which shall be borne by the employer, for purposes of reducing the risk in the workplace. Any officer or employee found positive for use of dangerous drugs shall be dealt with administratively which shall be a ground for suspension or termination, subject to the provisions of Article 282 of the Labor Code and pertinent provisions of the Civil Service Law.”

5. Section I of Dangerous Drugs Board (DDB) Regulation No. 2, s. 2004:

“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...”

6. Section 4 of Memorandum Circular No. 89 dated December 17, 2015 of the Office of the President:

“*Implementation of a Drug-Free Workplace Program and Authorized Drug Testing* - All government offices shall formulate and adopt their own drug-free workplace programs and conduct authorized drug testing among officials and personnel pursuant to DDB Resolution No. 2 (s. 2004) and Civil Service Commission Memorandum Circular No. 13 (s. 2010).”

7. Civil Service Commission (CSC) Memorandum Circular No. 13, s. 2017 (Guidelines in the Mandatory Random Drug Test for Public Officials and Employees and for Other Purposes):

“[To] ensure *that government agencies remain drug-free* by subjecting public officials and employees to a random mandatory drug test, as a condition for continuous employment.”

#### **IV. COVERAGE**

These guidelines shall cover all DSWD personnel regardless of rank and employment status whether permanent, temporary, coterminous, casual, contractual, or substitute as well as those employed by the Department through Contract of Service (COS) and Job Order (JO) arrangements including consultants, and those individuals who seek to be a part of the DSWD workforce.

It shall apply to DSWD Central Office and all its Field Offices, centers and institutions, and satellite offices at the provincial and city/municipal levels.

#### **V. DEFINITION OF TERMS**

1. Authorized Drug Test – refers to the testing done by any government forensic laboratory or by any of the drug testing laboratory 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.
2. Chronic User/Drug Dependent – a person identified for using drugs/ other substances (mind-altering or not) without medical need, in an amount large enough or over a period long enough to threaten the quality of life or health and safety of the user or others.
3. 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 shall be done by any government laboratory or by any privately owned and operated drug testing laboratory accredited and monitored by the DOH having confirmatory test capabilities.
4. Dangerous Drugs - include those listed in the Schedules 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 Psychotropic Substances as enumerated in RA 9165.
5. Drug Abuse – exists when a person continually uses a drug other than its intended purpose. This continued use can lead to drug dependence, a state of physical and/or psychological dependence on a dangerous drug.
6. Drug 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.
7. 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.



8. Experimenter – a person whose drug use began through exploration with limited exposure and no development of regular use or any related harm.
9. Mandatory Drug Test - compulsory submission of a personnel for drug testing as required by RA 9165 and by the agency's internal rules and regulations.
10. Occasional User – a person who indulges in drug use to create or enhance experience in any social setting.
11. Personnel – refers to individuals at the first, second and third level of positions regardless of employment status as to permanent, temporary, coterminous, casual, contractual or substitute including Memorandum of Agreement (MOA)/Contract of Service (COS) workers, Job Order (JO) workers, and consultants.
12. Random Drug Test - subjecting personnel to drug test as selected following no specific pattern and without prior notice/information.
13. 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/her capabilities and potentials and render him/her able to become a law abiding and productive member of the community.
14. Treatment – medical service rendered to a patient for the effective management of physical and mental conditions arising from his/her drug use.
15. Workplace – means the office, premises or worksite, where the workers are habitually employed and shall include the office or place, where the workers who have no fixed or definite worksite regularly report for assignment in the course of their employment.

## **VI. GENERAL POLICIES**

1. It shall be the policy of the Department to pursue a workplace free from dangerous drugs.
2. It shall be the policy of the Department to utilize the services of an acceptable drug testing laboratory accredited by the Department of Health (DOH) to administer the tests for the personnel of the Central Office and Field Offices.
3. It shall be the policy of the Department to require its personnel to faithfully abide by the terms of the DSWD Drug-Free Workplace Policy as a condition for their engagement and continued employment.
4. It shall be the policy of the Department to adopt a continuing and sustainable awareness program on drug abuse to inform its personnel about:
  - a. The policy of maintaining a drug-free workplace;
  - b. The hazards posed by the use of dangerous drugs; and

- c. The consequences, penalties, and administrative sanctions in violation of the Drug-Free Workplace Policy.
5. It shall be the policy of the Department to adopt appropriate interventions for personnel found positive on the use of dangerous drugs.
6. It shall be the policy of the Department to be non-discriminatory in the implementation of a Drug-Free Workplace Policy and to uphold due process.
7. It shall be the policy of the Department to ensure confidentiality of personal information, medical records and identities of personnel to protect privacy and security.

## VII. PROGRAM COMPONENTS

### A. The Drug-Free Workplace Committees

1. Composition of the Committees - A Drug-Free Workplace Committee shall be created at the Central Office and at the Field Offices, which shall be composed of the following:

#### 1.1 Central Office Drug-Free Workplace Committee (CO-DFWC)

Chairperson: The Undersecretary for Exigent Concerns

Vice-Chairperson: As may be appointed by the Office of the Secretary

Members: The duly-appointed/designated representatives of the following DSWD Central Office Clusters shall be the permanent members. The Cluster Heads are authorized to designate alternates of the permanent members.

- Office of the Secretary (OSEC) Group
- Institutional Development Group
- General Administration and Support Services Group
- Operations and Programs Group – Protective
- Operations and Programs Group – Promotive
- Policy and Plans Group

The President of the Social Welfare Employees' Association of the Philippines (SWEAP) shall also serve as a permanent member of the CO-DFWC. S/He is authorized to designate alternate member to the CO-DFWC.

Ex-officio Members: Medical Officer and Nurse of the Medical Clinic

Secretariat: Human Resource Development Bureau (HRDB)



## 1.2 Field Office Drug-Free Workplace Committee (FO-DFWC)

Chairperson: The Regional Director

Vice-Chairperson: Assistant Regional Director for Administration

Members: The duly-appointed/designated representatives of the following Divisions in the Field Offices shall be the permanent members. The Regional Director is authorized to designate alternates of the permanent members of the FO-DFWC.

- Institutional Development Division
- General Administration and Support Services Divisions
- Operations and Programs Division
- Policy and Plans Division

The Chapter President of the SWEAP shall also serve as a permanent member of the FO-DFWC. S/He is authorized to designate alternate to the FO-DFWC.

Secretariat: Human Resource Development Unit (HRDU)

## 2. Functions of the Committees – The following functions shall be performed:

### 2.1 Central Office Drug-Free Workplace Committee (CO-DFWC)

- 2.1.1 Undertake a review of existing DSWD internal policies and propose revisions thereto as may be necessary;
- 2.1.2 Formulate and implement an anti-drug abuse policy and programs in the Department in accordance with pertinent national agency policies such as that promulgated by the CSC;
- 2.1.3 Undertake random selection of personnel, where everybody can be equally selected, for the random drug testing using the prescribed process as specified in this guideline;
- 2.1.4 Conduct continuing education and awareness program for the DSWD personnel;
- 2.1.5 Initiate capability building programs such as values formation program, family enhancement and other related and relevant initiatives towards the prevention of drug use/abuse;
- 2.1.6 Monitor and provide technical assistance on the implementation of the Drug-Free Workplace Program at the Field Offices;
- 2.1.7 Formulate appropriate reporting templates to capture all data and other information needed; and
- 2.1.8 Consolidate the national agency report for submission to the DDB.

### 2.2 Field Office Drug-Free Workplace Committee (FO-DFWC)

- 2.2.1 Implement an anti-drug abuse policy and programs in the Field Office;

- 2.2.2 Conduct continuing education and awareness program for the DSWD personnel;
- 2.2.3 Initiate capability building programs such as values formation program, family enhancement and other related and relevant initiatives;
- 2.2.4 Facilitate and coordinate the conduct of mandatory random drug test to include random selection of personnel using the prescribed process as specified in this guideline; and
- 2.2.5 Prepare and submit a report to the CO-DFWC.

### 2.3 Ex-officio Members

- 2.3.1 Provide technical assistance in the conduct of the mandatory random drug tests pursuant to the procedure enunciated under the DSWD Drug-Free Workplace Guidelines and those promulgated by the CSC and the DDB;
- 2.3.2 Coordinate with Department of Health (DOH)-accredited drug testing laboratory/service provider/s to ensure that the standard protocols and procedures in the conduct of drug tests are strictly adhered to (e.g. handling of biological specimen, transmittal of results from the laboratory/service provider to the Department, etc.); and
- 2.3.3 Ensure the confidentiality of medical records and the drug screening results of DSWD personnel who underwent mandatory or random drug testing.

### 2.4 Secretariat

- 2.4.1 Provide administrative support to the Committee;
- 2.4.2 Organize and make all necessary arrangements for the meetings and other related activities of the Committee;
- 2.4.3 Prepare the minutes of the meeting and resolutions of the Committee;
- 2.4.4 Facilitate the issuance of notices of the drug test, which notice shall be signed by the Chairperson of the DFWC; and
- 2.4.5 Perform other tasks as may be designated by the Chairperson and/or by the DFWC.

## **B. Drug Testing Program for DSWD Personnel**

The program shall detect and deter drug abuse among the personnel of the Department. It shall conform to proper procedures as prescribed by the DDB<sup>10</sup>. Drug testing shall remain a requirement for initial entry in working in DSWD and for continuous employment.

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<sup>10</sup> Per DDB Board Regulation No. 2, series of 2004 or the 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.



The following drug screening tests shall be conducted by the Department:

1. Mandatory Drug Screening Test

1.1 For High-Risk/Decision-Making Positions<sup>11</sup>

All members of the Executive Committee (EXECOM) and Management Committee (MANCOM) at the Central Office and Regional Directors and Assistant Regional Directors at the Field Offices shall undergo mandatory drug test.

1.2 For Pre-employment

Pre-employment drug screening test shall be required prior to issuance of appointment/contract in the DSWD. This is to prevent employing individuals who use dangerous drugs and to ensure that only those highly qualified are screened and recruited.

In the case of permanent, temporary, substitute, coterminous, contractual and casual appointment, the PSB Secretariat or the HRDB/HRDU shall notify the qualified candidate to submit him/herself to a drug test upon the selection and approval of the appointing authority from the shortlist of applicants. In the case of COS/JO workers, the HRDB/HRDU shall notify the qualified candidate upon the recommendation of the hiring office. The Medical Officer of DSWD shall recommend acceptable drug testing laboratories, which are accredited by the Department of Health (DOH). The qualified candidate shall submit a drug test certificate within a specific timeframe to the HRDB/HRDU.

If an applicant's drug test result turns out to be positive, s/he may be given a chance to undergo a confirmatory test. However, should the confirmatory test still indicate the applicant is positive for drug use, s/he shall be automatically disqualified from being employed in the DSWD. The costs of the drug screening test and/or confirmatory test shall be borne by the applicant.

1.3 For Promotion and Transfer

Mandatory drug screening shall be conducted as a requirement for the promotion or transfer of a personnel.

1.4 Other circumstances

The DFWC may also prescribe other circumstances where a mandatory drug screening may be warranted.

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<sup>11</sup> *Ibid.*

## 2. Random Drug Screening Test

To ensure the regular monitoring of DSWD personnel against dangerous drugs, the random drug testing shall be periodically conducted in an interval not to exceed two (2) years. This shall be conducted by any government Drug Testing Laboratory or by any drug-testing laboratory duly authorized and accredited by the DOH contracted by the Department following the procurement process. Strict confidentiality shall be observed with regard to the screening and its results.

### 2.1 Procedure on the Conduct of Random Drug Test in the Workplace

2.1.1 Random drug testing shall be conducted from among the list of the Department's personnel using the standard formula<sup>12</sup> in consultation with the Department of Health.

$$S = \frac{X^2 NP(1 - P)}{d^2(N - 1) + X^2 P(1 - P)}$$

Where:

s = required sample size

X<sup>2</sup> = the table value of chi-square for 1 degree of freedom at the desired confidence level

N = the population size

P = the population proportion (assumed to be 0.50 since this would provide the maximum sample size).

d = the degree of accuracy expressed as a proportion (0.05).

2.1.2 The random selection of personnel shall be determined by the DFWC with the aid of a Statistician of the Department. The procedure of randomization shall be done using Microsoft Excel (*Please see Annex A for the Step-by-Step Procedure of the Randomization*).

2.1.3 Replacement of personnel shall be allowed on the following grounds supported by relevant documents:

2.1.3.1 Separated from the service due to resignation, retirement, termination or end of contract;

2.1.3.2 On scholarship (local or abroad);

2.1.3.3 Long-term leave such as but not limited to maternity leave and rehabilitation leave;

2.1.3.4 Official travel; and

2.1.3.5 Other circumstances as decided by the DFWC.

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<sup>12</sup> This formula is the one used by Krejcie & Morgan in their 1970 article "Determining Sample Size for Research Activities" (*Educational and Psychological Measurement*, #30, pp. 607-610).



2.1.4 The DFWC will notify the randomly selected personnel to go for a urine test to the venue, date and time specified by the Committee (Please see Annex B for the *Notice of Random Drug Testing*).

2.1.5 The selected personnel must immediately report for the random drug test.

2.1.6 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 drug screening test, which shall be conducted in the following manner:

2.1.6.1. The selected personnel will fill up and sign the consent and chain of custody form issued to them.

2.1.6.2. 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.

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

2.1.6.4. 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.

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

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

2.1.6.7. 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 to the Chairperson of the DFWC and not to the person so tested. The same result must be signed by the authorized signatory of the laboratory, the personnel concerned and a witness.

2.1.7 The personnel shall be provided with the official result of the test for his/her reference.

2.1.8 No further action is needed when the result is negative.

### 3. Confirmatory Drug Test

The contracted drug testing facility shall conduct a confirmatory drug test whenever a positive result from random drug screening test shall transpire. The cost of the confirmatory drug test shall be shouldered by the Department.

#### 3.1 Procedure in Handling a Positive Result after Confirmatory Test

- 3.1 Upon discovery that a urine sample is tested positive for dangerous drugs after confirmatory test, such result shall immediately be made known to the DFWC and to the Head of OBS to which the personnel belongs.
- 3.2 After receipt of such information, the same shall be made known to the personnel.
- 3.3 The concerned personnel shall have fifteen (15) days from receipt of notice to challenge the result of the confirmatory test. He/she shall file the challenge to the Head of the OBS who will then refer to the DFWC. The challenge test shall be conducted, using the same specimen, by a government drug testing laboratory or by a drug testing laboratory duly authorized and accredited by the DOH. The expenses for the challenge test shall be borne by the concerned personnel.
- 3.4 Failure to file a challenge within the prescribed period shall make the result of the positive drug test result final. The DFWC and the concerned Head of OBS shall then take the appropriate action as provided for under Item VIII of this issuance.
- 3.5 A positive drug test result from the challenge test is deemed final and the concerned personnel shall be immediately subjected to the interventions under Item VIII of this issuance.

### C. **Drug Abuse Prevention Measures**

Preventive measures against drug abuse shall be developed and provided in support of the Drug-Free Workplace Policy. These include but not limited to the following:

#### 1. Advocacy

Display of streamers/tarpaulins in conspicuous areas within the premises of the Department with a standard message of *“This is a drug-free workplace: Let’s keep it this way”* or other messages of similar importance.



## 2. Education

Lectures on the adverse effects of dangerous drugs shall be conducted. It is prescribed that the topics of the lecture shall include the following:

- a. Salient provision of R.A. 9165;
- b. Adverse effects of drug abuse to the individual, his/her family, the workplace, and the community; and
- c. Steps to be undertaken when intervention is needed, as well as available services for treatment and rehabilitation.

It is highly prescribed that a lecture on the Drug-Free Workplace Policy of the DSWD shall be integrated in the Agency Orientation Program for Newly Hired Personnel.

## 3. Training

There shall be training and other related activities with the DOH and the Occupational Safety and Health Center (OSHC) to build capacities of DSWD personnel in the prevention of drug abuse. The DFWC can explore with other government agencies and service providers on the conduct of relevant trainings as deemed fit.

## 4. Other Preventive Measures

The DFWC may determine other prevention intervention programs and practices such as coping with work and family stress, workplace training programs that addresses behavioral risks associated with drug abuse, and community outreach programs.

## VIII. INTERVENTIONS

The following interventions are hereby adopted should a personnel of the Department be found positive for drug use:

1. DSWD personnel who are found positive of dangerous drugs at the first instance after the challenge test, or after positive drug test result from a confirmatory test should the concerned personnel fail to challenge the said result, shall undergo a Drug Dependency Examination conducted by the DOH or by any medical practitioner accredited by the DOH to conduct the said examination and shall be subjected to the following treatment and rehabilitation program:
  - a. Experimenter – Outpatient, guidance counselling for six (6) months.
  - b. Occasional User – Outpatient, guidance counselling and regular monthly drug testing for six (6) months.
  - c. Chronic User/Drug Dependent – Mandatory continuous treatment and rehabilitation for a minimum period of six (6) months in a government rehabilitation center, a DOH-accredited private rehabilitation center, or

through a community rehabilitation program sanctioned under the rules of the DDB.

2. Any personnel found to be an Experimenter or an Occasional User shall shoulder the expenses of his/her guidance counseling and regular monthly drug testing in case of the latter. Time spent for counselling and regular monthly drug testing, if done during office hours, shall be charged against the personnel's leave credits and earned Compensatory Overtime Credits (COCs), subject to the guidelines on availment of Compensatory Time/Day Off. For this purpose, the personnel's sick leave credits shall be utilized and when exhausted, vacation leave credits may be utilized for the purpose. If all leave credits and COCs are used, absence shall be on leave without pay. In the case of COS/JO workers, their earned COCs shall be utilized and once exhausted, the no-work and no-pay policy shall apply.

As proof of successful completion of the intervention program, the personnel assessed as an Experimenter or Occasional User shall secure a certification issued by his/her attending guidance counsellor and submit to the DFWC.

3. Any personnel found to be a Chronic User/Drug Dependent, based on the result of the Drug Dependency Examination, and who will undergo a mandatory rehabilitation program for a minimum period of six months shall be considered on sick leave for the entire period of his/her rehabilitation. When the concerned personnel's sick leave is exhausted, his/her vacation leave credits may be utilized for the purpose. A personnel may use his/her earned COCs, subject to the guidelines on availment of Compensatory Time/Day Off. If all leave credits and COCs are used, his/her absence shall be on leave without pay. In the case of COS/JO workers, their earned COCs shall be utilized and once exhausted, the no-work and no-pay policy shall apply.

The concerned personnel shall undertake the processing of his/her admission to a rehabilitation center in accordance with the provisions of the Dangerous Drugs Act and existing rules of the DDB.

The personnel concerned shall shoulder the expenses of his/her rehabilitation, which shall commence within fifteen (15) days from receipt of the Drug Dependency Examination results, to give way to the processing of necessary clearances.

The personnel concerned shall secure a certificate of completion of his/her rehabilitation program and clearance from his/her attending physician that he/she has been successfully rehabilitated and is now fit to return back to work. Said personnel shall not be allowed to report back to work without first submitting said certification and clearance to the DFWC.



## **IX. SANCTIONS/ ADMINISTRATIVE LIABILITIES**

Pursuant to existing Civil Service rules and the pertinent provisions of the Dangerous Drugs Act, any DSWD personnel found to have violated these guidelines may suffer any or a combination of the following sanctions:

1. DSWD personnel who are found guilty of the following acts shall be charged with the administrative offense of Grave Misconduct<sup>13</sup>:
  - a. Those who were found to have used dangerous drugs during the prescribed period of their intervention or rehabilitation;
  - b. Those who, after being tested positive of drug use, refuse to undergo treatment or rehabilitation, or fails to complete his/her treatment or rehabilitation program;
  - c. Those who for the second time have tested positive in a random drug test after completion of his/her treatment and/or rehabilitation program or found to have used dangerous drugs during the prescribed period of intervention or rehabilitation;
  - d. Those who have tampered the result of a drug test or interfered in the conduct of a drug test or in the release of drug test results;
  - e. Those who are caught using or peddling drugs. However, the charging of an administrative case against such personnel shall be without prejudice to the filing of appropriate charge/s under the Dangerous Drugs Act and other pertinent laws; and
  - f. Those who are not issued a certificate of completion of the intervention program issued by his/her attending guidance counsellor (in the case of experimenter and occasional user) or a certificate of completion of his/her rehabilitation program and clearance from his/her attending physician (in the case of a chronic user/drug dependent).
2. DSWD personnel who refuses, without any valid reason, to submit himself/herself for drug testing shall be charged with the administrative offense of Gross Insubordination<sup>14</sup>.

## **X. CONFIDENTIALITY OF RECORDS**

1. All drug test results and records shall remain strictly confidential.
2. The drug test result from the mandatory and/or random drug testing shall be attached to the 201 file of the DSWD personnel. It shall be maintained by the

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<sup>13</sup> Pursuant to the 2017 Rules on Administrative Cases in the Civil Service, the offense of Grave Misconduct bears a penalty of dismissal from the service. Such penalty shall carry with it cancellation of eligibility, forfeiture of retirement benefits, perpetual disqualification from holding public office and bar from taking civil service examinations.

<sup>14</sup> Pursuant to the 2017 Rules on Administrative Cases in the Civil Service, the offense of Gross Insubordination is punishable by suspension of six (6) months and one (1) day to one (1) year for the first offense and dismissal from the service for the second offense.

Personnel Administration Division (PAD) and its counterpart at the Field Offices. In the case of consultants, the drug test result should be handled by the Procurement Service and its counterpart at the Field Offices.

3. For monitoring purposes of treatment and rehabilitation, drug test results of concerned personnel shall be kept by the DSWD Medical Clinic. It shall be forwarded to PAD if the required treatment and/or rehabilitation is completed *with* attached certificate of completion from the attending guidance counselor or physician.
4. In case of request for a copy or retrieval of the drug test result/record by a concerned personnel of OBSU, other government agencies or organizations for a certain purpose (e.g. employment purposes whether it is positive or negative), said request shall be forwarded directly to the Chairperson of the DFWC for approval.
5. In case of reproduction or drug test records, an approval shall be sought from the Chairperson of the DFWC.
6. Any person who intentionally or unintentionally breach the confidentiality of any drug test shall be dealt with accordingly in accordance with Section 72 of RA 9165.

## **XI. INSTITUTIONAL ARRANGEMENTS**

The identified Offices, Bureaus, Services, and Units at the Central Office and their counterparts at the Field Offices shall have the following function/s in adherence to the implementation of a Drug-Free Workplace Program:

1. Human Resource Development Bureau
  - Develop and conduct capability-building activities, lectures, and other relevant training programs and activities to raise the consciousness of the DSWD workforce against the hazards of drug abuse; and
  - Facilitate the conduct of mandatory and random drug testing pursuant to the procedures provided in this Administrative Order and by the standards prescribed by the DOH.
2. Social Technology Bureau
  - Develop and recommend appropriate programs/interventions for personnel found positive for drug use.
3. Protective Services Bureau
  - Assist and provide technical inputs in the development of program guidelines in pursuance of the Drug-Free Workplace in the DSWD.
4. Policy Development and Planning Bureau
  - Provide technical assistance in the formulation of sampling design for the random drug testing in consultation with the DOH.



#### 5. Social Marketing Service

- Develop an advocacy program on drug abuse prevention for DSWD personnel.

#### 6. Capacity Building Bureau

- Provide technical assistance in the development of training design and modules for the conduct of capability-building activities; and
- Refer resource persons who can be tapped for education and training purposes of DSWD personnel.

#### 7. Legal Service

- Assist in the development or review of policies and administrative issuances that will support and strengthen the Department's stance against drug abuse and in the promotion of a Drug-Free Workplace; and
- Handle administrative cases that may arise in violation of the provisions of this Administrative Order.

#### 8. Administrative Service

- Implement administrative and disciplinary sanctions imposed against an erring personnel as a result of the violation of the Drug-Free Workplace Policy; and
- Safekeeping of the results of drug tests conducted which shall form part of the 201 File of all personnel.

#### 9. Social Welfare Employees' Association of the Philippines

- Represent the SWEAP members by providing inputs/suggestions to the policies, advocacies, programs, activities etc. developed by the DSWD Management in pursuance of the Drug-Free Workplace;
- Ensure equal treatment provided to DSWD personnel; and
- Assist in the promotion of the advocacy program on drug abuse prevention for DSWD personnel.

## **XII. MONITORING AND EVALUATION**

The DFWC at the Central Office and Field Office shall periodically monitor and evaluate the implementation of this policy in terms of its effectiveness.

The FO-DFWC shall prepare and submit a quarterly accomplishment report to the CO-DFWC. The HRDB shall prepare the report for the Central Office. Both reports shall be consolidated by the CO-DFWC Secretariat who will endorse to the CO-DFWC Chairperson and submit the annual national compliance report of the DSWD to the DDB.

The report shall include the following:

1. Drug prevention activities;
2. Drug testing activities;
  - a. The number of personnel who have already undergone testing;
  - b. The dates of the conduct of random drug testing; and
  - c. The name of the drug testing laboratories that conducted the test.

### **XIII. FUNDING REQUIREMENTS**

Funding requirements for the implementation of the Drug-Free Workplace Program shall be provided by the Department, subject to the availability of funds and propriety of fund source therefor. This shall include the funding for the conduct of random drug testing, confirmatory tests, and drug prevention activities.

Further, it shall be part of the yearly budget appropriation of the HRDB/HRDU, subject to existing budgeting, accounting and auditing rules and regulations.

### **XIV. AFFIRMATION AND COMMITMENT TO THE GUIDELINES**

All personnel of the Department shall read this Enhanced Guidelines in the Implementation of the Drug-Free Workplace Program and shall sign the Affirmation and Commitment to the Guidelines (*Please see Annex C*). The accomplished form shall be submitted to the DFWC Secretariat and shall be attached to the 201 file of the personnel.

Issues and clarifications on the guidelines shall be brought in writing to the Chairperson of the DFWC for proper resolution.

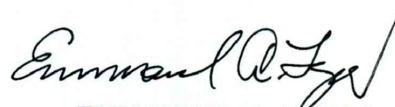
### **XV. REPEALING CLAUSE**

Memorandum Circular No. 3, s. 2005 (as amended by Memorandum Circular No. 8, s. 2005), and all other previous Circulars contrary hereto are repealed accordingly.

### **XVI. EFFECTIVITY CLAUSE**

This amendment shall take effect immediately upon its approval.

Issued in Quezon City this 8th day of December, 2017.

  
**EMMANUEL A. LEYCO**  
Officer-In-Charge, DSWD

Certified Copy:

  
**EMYLOU P. MIRAVALLS**  
OIC-Chief, General Services Division



## STEP-BY-STEP PROCEDURE OF RANDOMIZATION FOR THE CONDUCT OF THE MANDATORY RANDOM DRUG TEST

### Computation of the Sample Size

The Department will employ the following formula as consulted with the Department of Health. This formula is the one used by Krejcie & Morgan in their 1970 article "Determining Sample Size for Research Activities" (*Educational and Psychological Measurement*, #30, pp. 607-610).

$$S = \frac{X^2 NP(1 - P)}{d^2(N - 1) + X^2 P(1 - P)}$$

Where:

*s* = required sample size

*X*<sup>2</sup> = the table value of chi-square for 1 degree of freedom at the desired confidence level

*N* = the population size

*P* = the population proportion (assumed to be 0.50 since this would provide the maximum sample size).

*d* = the degree of accuracy expressed as a proportion (0.05).

Data Sample:

*N* (Total number of DSWD CO/FO Personnel) = 1,518 (e.g. Central Office)

*X*<sup>2</sup> (Chi-square @ DF= 1 for desired confidence level) = 3.8415

*P* (population proportion) = assumed to be 0.50 since this would provide the maximum sample size.

*d* (degree of accuracy) = .05

$$S = \frac{3.8415(1518)(0.50)(1 - 0.50)}{0.05^2(1518 - 1) + 3.8415(0.50)(1 - 0.50)}$$

$$S = 307$$

In the computation of sample size for DSWD Central Office random drug test, 307 sample size is an acceptable sample for 1,518 population with an estimated 5% margin of error.

## Generation of Random Sampling Without Replacement using Microsoft Excel

In order to generate unbiased selection of random sample, Simple random sampling will be employed. Simple Random Sampling (SRS) is the probability of being selected into the sample is “known” and equal for all members of the population. This sampling method guarantees that every member of the population has a known and equal chance of being selected into the sample; therefore, the resulting sample, no matter what size, will be a valid representative of the population.

1. Prepare a Masterlist. In the MS Excel program, start with organizing the list of personnel in DSWD (CO/FO).

*Note: If there is no control number, please insert. This is column A CONTROL NUMBER. Make sure that the names are arranged in alphabetical order (Surname, First Name and Middle Name). This is column B NAMES.*

2. Under column C RANDOM NUMBER, type the formula of random generator which is =RAND() then ENTER. Place the “cursor” at the edge of the cell then drag the cursor until you reach the end point of your list.

*Note: You will notice that the provided number will keep changing. This is ok.*

3. Copy the computed random number, then right click. On the drop down box, click “paste special”, tick “values” and click OK.

4. Under column D ARRANGE FROM SMALLEST TO LARGEST, sort random number from smallest to highest using the sort command: =SMALL(\$C\$4:\$C%1521,A4). Place the “cursor” at the edge of the cell then drag the cursor until you reach the end point of your list.

5. Under column E MATCH RANDOM NUMBER TO ASSIGNED CONTROL NUMBER, match random number to assigned control number using the match command: =MATCH(C4,\$D\$4:\$D\$1521). Place the “cursor” at the edge of the cell then drag the cursor until you reach the end point of your list.

6. Create new worksheet for your sample list, Column A will serve as Sample Number, Column B will serve as the Random Samples and Column C will be the Name of Personnel subject for drug testing.

*Note: There should a buffer for the sample size to serve as replacement pool, which is equal to the number of the computed sample size. E.g. for DSWD CO the computed sample size is 307 + buffer of 307. A total of 614 will be included in the sample list).*

7. Copy the first 614 random samples in Masterlist Column E MATCH RANDOM NUMBER TO ASSIGNED CONTROL NUMBER and paste special to Sample list under Column B RANDOM SAMPLES.

8. Final step is to connect the RANDOM SAMPLES to the name of respondents using index command: =INDEX(MASTERLIST!\$B\$4:\$B\$1521,'SAMPLELIST'!B2). Automatically the name of personnel subject for drug testing will appear.

*Note: If the buffer shall be used to replace a personnel based on grounds mentioned in Part VII. B. 2.1.3, the order of the sequence should be strictly followed.*

NOTICE OF RANDOM DRUG TESTING

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Employment Status: \_\_\_\_\_

OBSU: \_\_\_\_\_

Pursuant to DSWD Administrative Order \_\_\_\_\_, s. 2017, you are hereby instructed to undergo random drug testing and report to the following drug testing laboratory on the specified venue, date and time:

Laboratory: \_\_\_\_\_

Venue: \_\_\_\_\_

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Please be advised that refusal to submit oneself for drug testing, without any valid reason, shall be charged with administrative offense of Gross Insubordination.

\_\_\_\_\_  
Chairperson, Drug-Free Workplace Committee

Received by:

\_\_\_\_\_  
Name & Signature

Date: \_\_\_\_\_



**AFFIRMATION AND COMMITMENT TO THE DRUG-FREE WORKPLACE  
GUIDELINES**

As a personnel of the Department of Social Welfare and Development, I hereby certify that I have received, read, and understood the “Enhanced Guidelines in the Implementation of the Drug-Free Workplace Program in DSWD” and hereby affirm my commitment to unconditionally abide with the provisions stipulated therein. Moreover, I shall be answerable to the Department for whatever violations or infractions that I may commit in contravention of this Guidelines.

\_\_\_\_\_  
Name & Signature

Date: \_\_\_\_\_

Attested by:

\_\_\_\_\_  
Name & Signature of the Head of OBS

\_\_\_\_\_  
Position/Designation