TESDA CIRCULAR

Subject: Guidelines in the Conduct of Mandatory Random Drug Testing of TESDA Personnel		Number 52 series of 2016 Page 1 of 4 pages
Date Issued: October 14, 2016	Effectivity: Immediately	Supersedes:

In view of the government's strong effort to stop the use of prohibited drugs in the country and safeguard the sanctity of public offices as model institutions, the following policies and guidelines in the conduct of mandatory random testing of TESDA personnel are hereby being issued:

I. LEGAL BASIS

Section I of Board Regulation No. 2 series of 2004 of the Dangerous Drugs Board states that "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 as well as outlining the responsibilities of the employer, the employees and the employees' unions. The policy must be developed through a process where consensus is achieved regarding its contents"

Likewise, Article III Section 36 (d) of Republic Act No. 9165 otherwise known as the Comprehensive Dangerous Drugs Act of 2002, states that "The following shall be subjected to undergo testing: Officers and employees of public and private offices, whether domestic or overseas, shall be subjected to undergo 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."

All TESDA personnel including job orders shall be subject to mandatory random testing under these guidelines.

II. DEFINITION OF TERMS

1. 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 result of the screening test.

2. Dangerous Drugs – Includes 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 the attached annex which is an integral part of Republic Act 9165 otherwise known as the Comprehensive Dangerous Act of 2002.

3. TESDA Personnel – Include TESDA Central Office, Regional Offices, Provincial Offices, and TESDA Technology Institutions.

4. 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 capabilities and potentials and render him/her able to become a law abiding and productive member of the community.

5. Screening Drug Test – A rapid drug test performed to establish potential/ presumptive positive result.

6. Treatment – Medical service rendered to a patient for the effective management of physical and mental conditions arising from his/her drug use.

III. COVERAGE

These guidelines shall apply in the conduct of mandatory random drug testing for all TESDA Personnel in the Central, Regional, Provincial, District Offices and TESDA Technology Institutions.

IV. GENERAL POLICY

1. TESDA institutionalizes a "Drug-free Workplace Policy" and administers and evaluates programs to ensure the development of a qualified, competent and drug-free workforce in the public service.

2. The "Drug-free Workplace Policy" also includes the maintenance of a work environment that is healthy, safe, and drug-free.

3. Drug testing to be conducted shall employ two (2) testing methods, namely screening test and confirmatory test. The screening test is a rapid test performed to establish potentials/presumptive positive result. The confirmatory test is 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.

4. Confirmatory test shall only be conducted if an employee's screening test is positive. Likewise, the drug test result shall have a validity of one year after its release.

5. The conduct of the drug testing will employ no cost on the part of the personnel. The Authority shall ensure that a budget is allocated for the conduct of the drug testing.

6. The drug testing will be conducted in collaboration with and supervision of the Department of Health (DOH).

V. CONDUCT OF THE MANDATORY RANDOM DRUG TEST

A. Identification of TESDA Personnel Through Random Selection

1. Identification of the TESDA personnel that will be subjected to the mandatory random testing shall be through a draw lots to be conducted by Human Resource Management Division (HRMD) every month per operating unit (CO, RO, PO, TI). The HRMD will devise a procedure to ensure that randomness of identifying personnel is observed.

2. Every month, two (2) representatives per Executive Office shall be identified and shall be required to submit their urine samples for testing.

3. Any TESDA personnel who fail to submit himself/herself to the mandatory random drug testing shall submit an explanation to the TWG. If found to have a valid reason, a separate drug test for him/her shall be scheduled. However, unsatisfactory explanation shall be a ground for disciplinary action under the CSC Rules and Regulation.

4. Refusal of the personnel who was identified to undergo the drug testing will likewise constitute a ground for disciplinary action under the CSC Rules and Regulation.

B. Specimen Collection Procedures

1. The Technical Working Group on Mandatory Drug Testing will identify TESDA Personnel (COROPOTI) who will undergo specialized Department of Health (DOH) training in collecting urine samples. The personnel that will be identified should have medical background.

2. The area where specimen is to be collected should be secured and free from any contamination or possibility of alteration or substitution that

would affect the integrity of the specimen collected.

3. Any act of misrepresentation or attempt to commit misrepresentation in the collection and handling of urine samples by any person shall constitute administrative offense of Dishonesty.

C. Delivery to the Accredited DOH Laboratories

1. After specimen collection, the sample shall be immediately brought to the DOH accredited testing laboratory. In the Central Office, the General Service Division (GSD) of the Administrative Services (AS) shall be the responsible Office to deliver the said specimen. In the field offices, persons will be identified to deliver the same.

D. Issuance of Results

1. Laboratory reports of the results of the screening test and/or confirmatory test shall be treated with confidentiality.

2. After receipt of TESDA of the result of the drug test, the same shall be known to the personnel who was tested by the Chief of HRMD. In case the test was positive for dangerous drugs, a confirmatory test shall be conducted. The result may be contested by the personnel within 15 days from his/her receipt of the result of the confirmatory test.

VI. DISCIPLINARY OR ADMINISTRATIVE ACTIONS

TESDA personnel who are found positive for use of dangerous drugs shall be subjected to disciplinary / administrative proceedings in accordance with the rules and regulation of the Civil Service Law and Disciplinary Actions promulgated by the Technical Working Group (TWG) on the Mandatory Random Drug Testing of TESDA Personnel.

VII. EFFECTIVITY

These guidelines shall take effect fifteen (15) days after its publication in a newspaper of general circulation. Wide dissemination and strict implementation of this Circular by all concerned is hereby enjoined.

GUILING A. MAMONDIONG
Director General/Secretary