

DRUG-FREE WORKPLACE POLICY AND PROGRAM



**NATIONAL CONCILIATION
AND MEDIATION BOARD**

TABLE OF CONTENTS

Background	1
Statement of Policy	1
Program on Drug Free Workplace	2
A. Advocacy, Education and Training	2
B. Mandatory Drug Test	3
C. Treatment, Rehabilitation, and Referral	5
D. Consequences of Policy Violations	6
E. Monitoring and Evaluation	6
F. Confidentiality	8
G. Effectivity	8
Drug-Free Workplace Policy and Program Acknowledgement	8
Notification of Positive Drug Test	9
Directory	10

THE NATIONAL CONCILIATION AND MEDIATION BOARD DRUG-FREE WORKPLACE POLICY AND PROGRAM

In keeping with Republic Act 9165 otherwise known as the Comprehensive Dangerous Drugs Act of 2002, and its Implementing Rules and Regulations and as part of our commitment to safeguard the wellbeing of our employees and to provide a safe environment for everyone, the National Conciliation and Mediation Board (NCMB) hereby establishes a drug-free workplace policy and program.



STATEMENT OF POLICY

The NCMB is committed to create and maintain a drug-free workplace towards a safe, productive, and drug-free environment.

Thus, the following are explicitly prohibited:

1. Use, possession, solicitation for, or sale of dangerous drugs on the Board's premises or while on official field work or travel;
2. Being impaired or under the influence of dangerous drugs away from the Board, even if such impairment or influence does not adversely affect the employee's work performance, the safety of the employee or of others, or puts at risk NCMB's reputation; and
3. The presence of any detectable amount of dangerous drugs in the employee's system while at work, while on the premises of the Board, or while on official business. "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 the attached annex of R.A. 9165.

PROGRAM ON DRUG-FREE WORKPLACE



A. ADVOCACY, EDUCATION AND TRAINING

1. NCMB undertakes to increase the awareness and education of its officials and employees on the adverse effects of dangerous drugs through continuous advocacy, education, and training programs/activities to all its officers and employees.
2. All officials and employees are required to undergo an orientation/education program which shall include the following topics:



- Salient features of R.A. 9165;
 - Adverse effects of abuse and/or misuse of dangerous drugs on the person, workplace, family and the community;
 - Preventive measures against drug abuse; and
 - Steps to take when intervention is needed, as well as available services for treatment and rehabilitation.
3. The Board shall ensure that the workplace policies and programs on the prevention and control of dangerous drugs, including drug testing, shall be disseminated to all officers and employees. The employer shall obtain a written acknowledgement from the employees that the policy has been read and understood by them.

A. MANDATORY DRUG TEST



1. In consonance with the Civil Service Commission (CSC) Memorandum Circular (MC) No. 34, s. 1997, all new entrants to government service through the NCMB shall be required to undergo mandatory drug test, the results of which shall be submitted to the Board and form part of the 201 file of the employee concerned. Thus, the conduct of mandatory drug test is part of the basic requirements for employment.
2. All Officials and employees may be selected at random for drug testing at a period determined by the Board.
3. Any official or employee shall be required to submit to reasonable-suspicion drug testing. Reasonable-suspicion drug testing is drug testing based on a belief that an employee is using or has used drugs in violation of the drug-free workplace policy. Reasonable suspicion may be drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon:
 - Observable phenomena while at work, such as direct observation of drug use or of the physical symptoms or manifestations of being under the influence of a drug;
 - Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance;
 - A report of drug use, provided by a reliable and credible source;
 - Evidence that an individual has tampered with a drug test during his or her employment with the current employer; or

- Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the Board's premises or while operating official vehicle, machinery, or equipment.
4. All drug tests shall use the following testing methods:
- Screening test which will determine the positive result as well as the type of the drug used; and
 - Confirmatory test which will confirm a positive screening test. If the confirmatory test turns positive, the Board's Drug-free Workplace Team shall determine the administrative interventions that can be extended to the employee concerned.
5. All drug tests of NCMB Central Office and Regional Conciliation and Mediation Branch-National Capital Region (RCMB-NCR) shall be conducted by East Avenue Medical Center. The rest of the RCMBs shall coordinate with the regional offices of the Department of Health in the selection of the hospital or drug testing center in their respective regions.
6. NCMB shall inform the official/employee who was subjected to a drug test of the test-results whether positive or negative.
7. All costs of drug testing shall be borne by the Board.
8. Refusal to submit to mandatory drug testing shall be a valid ground for dismissal from the service.
9. While the Board understands that employees and applicants under a physician's care are required to use prescription drugs, abuse of the same shall be dealt with in the same manner as the abuse of illegal substances.



B. TREATMENT, REHABILITATION, AND REFERRAL



1. An official/employee who, for the first time, is found positive of drug use, shall be referred for treatment and/or rehabilitation in a DOH accredited center. For this purpose, the Board shall provide a list of at least three (3) accredited facilities which an employee who was tested positive for drugs may choose from.
2. Following rehabilitation, the Board's Drug-free Workplace Team, in consultation with the head of the rehabilitation center, shall evaluate the status of the drug dependent official/employee and recommend to the Board the resumption of the employee's job if he/she poses no serious danger to his/her co-employees and/or the workplace.
3. All costs for the treatment and rehabilitation of the drug dependent employee shall be charged to his/her account. The period during which the official/employee is under treatment or rehabilitation shall be considered as authorized leaves.
4. Repeated drug use even after ample opportunity for treatment and rehabilitation shall be dealt with the corresponding penalties under R.A. 9165 and is a ground for dismissal.



C. CONSEQUENCES OF POLICY VIOLATIONS



Any official or employee who uses, possesses, distributes, sells or attempts to sell, tolerates, or transfers dangerous drugs or otherwise commits other unlawful acts as defined under Article II of RA 9165 and its Implementing Rules and Regulations shall be subject to the pertinent provisions of the said Act.

D. MONITORING AND EVALUATION



The implementation of these policies and programs shall be monitored and evaluated periodically by the Board's Drug-free Workplace Team management to ensure a drug-free workplace.

E. CONFIDENTIALITY



All information, reports, statements, memoranda, and drug test results, written or otherwise, received or produced as a result of this drug-testing program are confidential and may not be used or received in evidence, or disclosed in any public or private proceedings. Exceptions may be made only where required by law, in case of overriding public health and safety concerns; or where such exceptions have been authorized in writing by the person concerned.

F. EFFECTIVITY.



The provisions of these policies and programs shall be immediately effective fifteen days after dissemination to all officials and employees of the Board.

Approved by:

SHIRLEY M. PASCUAL, CESO III
Executive Director IV

23 May 2017
mtdlcancio



Drug-Free Workplace Policy and Program Acknowledgement

I hereby acknowledge that I have received and read the National Conciliation and Mediation Board Drug-Free Workplace Policy and Program. I understand that I must abide by it as a condition of initial and/or continued employment, and any violation may result in disciplinary action up to and including termination.

I also understand that during my employment I may be required to submit to testing for the presence of drugs in my body. I understand that submission to such testing is a condition of employment with the Board, and disciplinary action up to and including termination may result if:

- 1) I refuse to consent to testing.***
- 2) I refuse to execute all forms of consent and release of liability that are usually and reasonably associated with such examinations.***
- 3) I refuse to authorize release of the test results to the Board.***
- 4) The tests establish a violation of the Board's Drug-Free Workplace Policy.***
- 5) I otherwise violate the policy.***

I also recognize that the Drug-Free Workplace Policy and Program and related documents are not intended to constitute a contract between the NCMB and me.

The undersigned further states that he/she has read and understands the above acknowledgement and signs below of his/her own free will.

SIGNATURE

DATE

WITNESS

DATE

NOTIFICATION OF POSITIVE DRUG TEST

Dear _____:

On _____, you were drug tested according to requirements in the National Conciliation and Mediation Board Drug-Free Workplace Policy and Program. Based on the drug testing standards, your urine/blood specimen was tested twice in a controlled laboratory environment, which includes confirmation testing.

We have received the drug test result from _____, and the result indicates that you have tested positive (failed the test) for the following substance(s):

_____ Cannabinoids (marijuana)	_____ Amphetamines
_____ Cocaine	
_____ Phencyclidine (PCP)	_____ Methaqualone
_____ Opiates	_____ Barbiturates
_____ Benzodiazepines	_____ Synthetic Narcotics

In keeping with the Board's Drug-Free Workplace Policy and Program, the following disciplinary procedure(s) will take place immediately:

If you disagree with the test result or have some other related concern, you have the right to submit information explaining or contesting the test result, and explaining why the positive test result does not constitute a violation of our Drug-Free Workplace Policy and Program, within five working days after receiving this notice.

Very truly yours,

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